

STATEMENT OF INFORMATION

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

BOOK IV PART 3

EVENTS FOLLOWING
THE WATERGATE BREAK-IN

March 22, 1973–April 30, 1973



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STATEMENT OF INFORMATION

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

March 22, 1973 - April 30, 1973

Part 3

58. On April 15, 1973, from 11:45 to 11:53 p.m., the President had a telephone conversation with Henry Petersen. The President told Petersen that he had met with Dean. There was also a discussion of whether the President should ask Dean, Haldeman and Ehrlichman to resign. Petersen has testified that the President told him that Dean had given the President basically the same information which Dean had previously given to the prosecutors.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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59. On April 16, 1973 from 8:18 to 8:22 a.m. the President had a telephone conversation with John Ehrlichman. Ehrlichman has testified that the President stated he was going to ask Dean to resign or take a leave of absence because Dean apparently continued to have access to White House files and because the President and Dean then had basically an adversary relationship. From 9:50 to 9:59 a.m. the President met with Haldeman and Ehrlichman. There was a discussion of what the President would say to Dean and of what statement might be released to the press.

In response to the Committee's subpoena for the tape recording and other evidence of the conversation between the President, Haldeman and Ehrlichman, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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60. On April 16, 1973 the President met with John Dean from 10:00 to 10:40 a.m. The following is an index to certain of the subjects discussed in the course of that meeting:

TRANSCRIPT PAGE

President's request that Dean submit a letter of resignation or a request for a leave of absence, and discussion of other resignations.	1, 8, 11, 12, 51-53
March 21, 1973 conversation among the President, Dean and Haldeman, and what Dean should say about that conversation.	17-21; 24-27
Whether the President would waive executive privilege.	22, 28
How events after the break-in and after March 21 would be described.	22-28; 42-43
What induced Magruder to talk and the President's desire to take credit for Magruder's cooperation.	31-34
President's statements to Dean that Dean should tell the truth.	34-35; 44
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What should be done about legal problems of White House aides.	38-42; 45-51

60.1	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1143
60.2	Drafts of two letters to the President dated April 16, 1973, SSC Exhibit No. 34-49, 3 SSC 1314-15.....	1146
60.3	Tape recording of a conversation between the President and John Dean, April 16, 1973, 10:00 - 10:40 a.m., and House Judiciary Committee transcript thereof.....	1148

61. On April 16, 1973 from 10:50 to 11:04 a.m. the President, H. R. Haldeman and John Ehrlichman met. The President reported on his meeting with Dean. There was a discussion of a "scenario" of events after the President became aware that there were some discrepancies between what he had been told by Dean in the report that there was nobody in the White House involved.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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61.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman and John Ehrlichman, April 16, 1973, 10:50 - 11:04 a.m.....	1207

62. On April 16, 1973 from 12:00 to 12:31 p.m. the President met with H. R. Haldeman. There was a discussion of what Haldeman might state publicly about his involvement in the transfer of cash from the White House to CRP.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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62.1	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1214
62.2	House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and H.R. Haldeman, April 16, 1973, 12:00 - 12:31 p.m.....	1217

63. On April 16, 1973 from 1:39 to 3:25 p.m. the President met with Henry Petersen. Ronald Ziegler was also present from 2:25 to 2:52 p.m. During this meeting Petersen gave the President a report on the investigation and a written memorandum summarizing the prosecutors' evidence as of that time implicating Haldeman and Ehrlichman. There was discussion of whether the President should ask Haldeman and Ehrlichman to resign.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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63.1	Henry Petersen testimony, 9 SSC 3634.....	1224
63.2	Memorandum from Henry Petersen to the President, April 16, 1973, SSC Exhibit No. 147, 9 SSC 3875-76..	1225
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63.5	House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and Henry Petersen, April 16, 1973, 1:39-3:25 p.m.....	1232

64. On April 16, 1973 from 3:27 to 4:04 p.m. the President met with John Ehrlichman and Ronald Ziegler. There was a discussion of the information furnished by Henry Petersen.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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64.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, John Ehrlichman and Ronald Ziegler, April 16, 1973, 3:27-4:04 p.m.....	1255

65. On April 16, 1973 from 4:07 to 4:35 p.m. the President met with John Dean. The following is an index to certain of the subjects discussed during that conversation:

TRANSCRIPT PAGE

Presidential statement in regard to Watergate.	1-3, 15, 18, 26
Haldeman, Ehrlichman and Dean's continued presence on the White House staff.	3-7, 24-25
Magruder's negotiations with the U. S. Attorneys.	8, 16-17
President's statement to Dean to tell the truth.	10
Dean's proposed testimony before the grand jury in regard to the issue of Haldeman's prior knowledge of the DNC break-in.	10-15
Possible discovery of Hunt and Liddy's involvement in the Fielding break-in.	20-21
Senate Select Committee and the failure of "containment" during the past nine months.	22-24

- 65.1 President Nixon daily diary, April 16, 1973,
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- 65.2 Letter from John Dean to the President,
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- 65.3 Tape recording of a conversation between the
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66. On April 16, 1973 from 8:58 to 9:14 p.m. the President spoke by telephone with Henry Petersen. Petersen gave the President a report. The President said he would not pass the information on because he knew the rules of the Grand Jury.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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66.1 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 16, 1973, 8:58 - 9:14 p.m.....	1298
66.2 President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1304

67. On April 17, 1973 from 9:47 to 9:59 a.m. the President met with H. R. Haldeman. The President instructed Haldeman to tell Kalmbach that LaRue was talking freely. There was discussion of the problem raised by Dean's efforts to get immunity.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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67.1	House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and H.R. Haldeman, April 17, 1973, 9:47 - 9:59 a.m.....	1308
67.2	President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1312

68. On or about April 17, 1973 John Ehrlichman had telephone conversations with Charles Colson, White House aide Ken Clawson, and former CRP campaign director Clark MacGregor. Ehrlichman asked Colson and Clawson about their recollections regarding Dean's allegations that Ehrlichman had told Dean to destroy documents from Hunt's safe and to order Hunt to leave the country. During the course of their conversation, Colson and Ehrlichman discussed nailing Dean by seeing that he not get immunity. Each of these conversations was tape recorded by Ehrlichman.

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- 68.3 Tape recording of a telephone conversation between John Ehrlichman and Charles Colson, April 17, 1973 (received from SSC) and House Judiciary Committee transcript thereof..... 1325

69. On April 17, 1973 at 10:26 a.m. Gray met with Petersen in Gray's office. Gray has testified that he admitted to Petersen that he had received files from Dean in Ehrlichman's office and told Petersen that he had burned the files without reading them. Petersen told Gray that the assistant U. S. attorneys would want him before the grand jury. During the afternoon of April 17 Petersen told the President that Gray had admitted destroying documents he received from Dean.

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69.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 26-27 (received from Watergate Grand Jury).....	1338
69.5 White House edited transcript of a conversation between the President and Henry Petersen from 2:46 to 3:49 p.m., April 17, 1973, 1, 38-40.....	1340

70. On April 17, 1973 from 12:35 to 2:20 p.m. the President met with H. R. Haldeman and John Ehrlichman. Ronald Ziegler joined the meeting from 2:10 to 2:17 p.m. There was a discussion about what to do about Dean and what Dean might say if he were fired; about the motive for making payments to the defendants; about what Strachan would say concerning intelligence material received from Magruder; and about whether Dean had reported to the President in the summer of 1972. There was also discussion of a press plan.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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- 70.1 President Nixon daily diary, April 17, 1973,
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- 70.2 House Judiciary Committee staff summary of White
House edited transcript of a meeting among the
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Ronald Ziegler, April 17, 1973, 12:35 - 2:20 p.m..... 1350

71. On April 17, 1973 from 2:39 to 2:40 p.m. the President had a telephone conversation with John Ehrlichman. There was a discussion of what the President would say to Petersen about immunity for top White House staff members.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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71.2	House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and John Ehrlichman, April 17, 1973, 2:39 - 2:40 p.m.....	1392

72. On April 17, 1973 from 2:46 to 3:49 p.m. the President met with Henry Petersen. There was a discussion about whether Petersen had passed grand jury information to Dean and about whether Dean would be granted immunity. The President read to Petersen a proposed press statement and Petersen stated the difficulties which would be posed by a statement that the President opposed granting immunity to high White House officials. Petersen told the President that Gray had admitted receiving from Ehrlichman and Dean documents unrelated to Watergate taken from Hunt's safe. Petersen said that Gray said he had burned these documents without reading them.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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72.2 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and Henry Petersen, April 17, 1973, 2:46 - 3:49 p.m.....	1400

73. On April 17, 1973 from 3:50 to 4:35 p.m. the President met with H. R. Haldeman, Ronald Ziegler and John Ehrlichman. The President described his conversation with Petersen. There was a discussion of whether Haldeman and Ehrlichman should take leaves of absence. The President went over the text of the statement he was about to give.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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73.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman, Ronald Ziegler and John Ehrlichman, April 17, 1973, 3:50 - 4:35 p.m.....	1416

74. On April 17, 1973 from 4:42 to 4:45 p.m. the President issued a public statement containing two announcements. The President first announced that White House personnel would appear before the Senate Select Committee, but would reserve the right to assert executive privilege during the course of questioning. He then reported that on March 21 he had begun intensive new inquiries into the whole Watergate matter and that there had been major developments in the case. The President stated he had expressed to the appropriate authorities his view that there should be no immunity from prosecution for present or former high Administration officials. The President said that those still in government would be suspended if indicted and discharged if convicted.

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74.1 President Nixon statement, April 17, 1973,
9 Presidential Documents 387..... 1420

75. On April 17, 1973 the President met in his EOB office with William Rogers from 5:20 to 6:19 p.m. and with H. R. Haldeman and John Ehrlichman from 5:50 to 7:14 p.m. The President briefed Rogers on his investigation and his discussion with Petersen. There was a discussion of whether Haldeman, Ehrlichman and Dean should resign and of Dean's testimony against Haldeman and Ehrlichman. Haldeman and Ehrlichman reported on their conversation with John Wilson, a defense attorney in criminal cases who had been recommended by Rogers. There was a discussion of what Dean had told Kalmbach about the purpose of the money he was asked to raise.

In response to the Committee's subpoena for the tape recording and other evidence of the President's conversations of April 17, 1973 from 5:50 to 7:14 p.m., the President has produced an edited transcript of the recording of his conversations from 5:20 to 7:14 p.m. A summary of that transcript has been prepared.

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75.1	President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1422
75.2	House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, William Rogers, H. R. Haldeman and John Ehrlichman, April 17, 1973, 5:20 - 7:14 p.m.....	1426

76. In April 1973 former and present White House aides and CRP officials were interviewed by the prosecutors or called before the Watergate Grand Jury. These included E. Howard Hunt, Gordon Liddy, Jeb Magruder, Gordon Strachan, Richard Moore, Dwight Chapin, Herbert Kalmbach, James McCord, Fred LaRue, Herbert Porter, John Mitchell, Charles Colson and John Dean.

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76.7 Richard Moore testimony, 5 SSC 2059.....	1462
76.8 Fred LaRue testimony, 6 SSC 2298.....	1463
76.9 <u>In re Grand Jury</u> , Misc. 47-73, docket, March 28, 30, April 3, 5, 1973.....	1464
76.10 Herbert Porter testimony, 2 SSC 637.....	1466

77. On April 18, 1973 the President had telephone conversations with Henry Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m. Petersen has testified that the President told him that Dean said he had been granted immunity and the President had it on tape, and that Petersen denied that Dean had been granted immunity. Petersen told the President that the prosecutors had received evidence that Gordon Liddy and E. Howard Hunt had burglarized the office of Dr. Fielding, Daniel Ellsberg's psychiatrist. The President told Petersen that he knew of that event; it was a national security matter; Petersen's mandate was Watergate; and Petersen should stay out of the Fielding break-in. The President told Petersen that the prosecutors should not question Hunt about national security matters. After this telephone call, Petersen relayed this directive to Silbert.

In response to the Committee's subpoena for the tape recording and other evidence of the telephone conversations between the President and Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m., the President has produced an edited transcript of the conversation from 2:50 to 2:56 p.m., during which the President and Petersen dis-

cussed immunity for Dean and Magruder. A summary of that transcript has been prepared. The President has informed the Committee that the telephone call from 6:28 to 6:37 p.m. was placed from Camp David and was not recorded.

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78. On April 19, 1973 John Dean issued a public statement declaring in part that he would not become a scapegoat in the Watergate case. He added that anyone who believed that did not know the true facts nor understand our system of justice. Following Dean's statement, Stephen Bull of the President's White House staff checked with the Secret Service agent in charge of the White House taping system to determine if Dean knew about the existence of the taping system. The agent replied that as far as the Secret Service knew Dean had no such knowledge.

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78.4 Louis Sims testimony, <u>In re Grand Jury</u> , Misc. 47-73, January 17, 1974, 2447-48.....	1499

79. On April 19, 1973 the President met with Richard Moore. They discussed the President's public statement of April 17 and the fact that on March 20, 1973 Dean and Moore discussed Dean's telling the President about the Watergate matter. Moore has testified that the President said that he had told Dean that to raise money for the Watergate defendants was not only wrong but stupid. Moore told the President that Dean had shown him a list of individuals who might be indicted, and that Dean had said that Ehrlichman's problem might be involved with the Ellsberg case. The President responded that the White House investigation of Ellsberg had to be done because J. Edgar Hoover could not be counted on as he was a close friend of Ellsberg's father-in-law.

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79.1 Richard Moore testimony, 5 SSC 1961-62, 1982-83.....	1502
79.2 President Nixon daily diary, April 19, 1973, Exhibit 50, <u>In re Grand Jury</u> , Misc. 47-73.....	1506

80. On April 19, 1973 from 8:26 to 9:32 p.m. the President met with John Wilson and Frank Strickler, attorneys for H. R. Haldeman and John Ehrlichman. There was a discussion of the case against Haldeman and Ehrlichman.

The Committee has requested the tape recording and other evidence of this conversation. The President has provided an edited transcript of that recording. A summary of that transcript has been prepared.

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- 80.1 President Nixon daily diary, April 19, 1973,
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- 80.2 House Judiciary Committee staff summary of
White House edited transcript of a meeting
among the President, John Wilson and Frank
Strickler, April 19, 1973, 8:26 - 9:32 p.m..... 1515

81. Between April 19 and April 26, 1973 the President had eleven conversations with Henry Petersen. Petersen has testified that during these conversations the President asked Petersen for a detailed written report on the Watergate matter; discussed the advisability of retaining Haldeman and Ehrlichman at the White House; and discussed the progress of the Grand Jury investigation. Petersen has testified that some time in the course of the April discussions the President made a flattering reference to Petersen as an adviser to the President and said he would have to serve as "White House counsel." The President also asked Petersen whether he would like to be FBI director, but stated he was not offering him the job.

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81.2 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 17-23, 29-33 (received from Watergate Grand Jury).....	1535

82. On April 20, 1973 Herbert Kalmbach was scheduled to testify before the Watergate Grand Jury. On the afternoon prior to his scheduled appearance, John Ehrlichman and Kalmbach had a telephone conversation, which was taped by Ehrlichman without Kalmbach's knowledge, during which they discussed Kalmbach's payment of funds to the Watergate defendants.

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82.1	Transcript of a telephone conversation between John Ehrlichman and Herbert Kalmbach at 4:50 p.m., April 19, 1973, SSC Exhibit No. 77, 5 SSC 2215-17.....	1548
82.2	Herbert Kalmbach testimony, 5 SSC 2162-63.....	1551

83. On April 22, 1973, Easter Sunday, the President telephoned John Dean from Key Biscayne, Florida. Dean has testified that the President called to wish him a happy holiday.

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83.1 Meetings and conversations between the President and John Dean, April 22, 1973 (received from White House).....	1554
83.2 John Dean testimony, 3 SSC 1020.....	1555

84. On April 25 and 26, 1973 Presidential aide Stephen Bull delivered a number of tape recordings of Presidential conversations to H. R. Haldeman. At the President's request Haldeman listened to the tape recording of the President's March 21, 1973 morning meeting with John Dean, made notes and reported to the President.

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84.1 Meetings and conversations between the President and H. R. Haldeman, April 25-26, 1973 (received from White House).....	1558
84.2 Portion of log of access to tapes of Presidential conversations maintained by the Secret Service, Exhibit 7, <u>In re Grand Jury</u> , Misc. 47-73.....	1559
84.3 H. R. Haldeman testimony, November 8, 1973, <u>In re Grand Jury</u> , Misc. 47-73, 927, 937-38.....	1561
84.4 Stephen Bull testimony, November 2, 1973, <u>In re Grand Jury</u> , Misc. 47-73, 344-45.....	1565
84.5 President Nixon statement, November 12, 1973, 9 Presidential Documents 1329.....	1567
84.6 H. R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 25-31 (received from Watergate Grand Jury).....	1568
84.7 H. R. Haldeman notes of listening to tape of March 21, 1973 meeting (received from Watergate Grand Jury).....	1575
84.8 Raymond Zumwalt testimony, November 1, 1973, <u>In re Grand Jury</u> , Misc. 47-73, 96-97.....	1606
84.9 H. R. Haldeman calendar, April 25 and 26, 1973 (received from SSC).....	1608

85. On April 26, 1973 Senator Lowell Weicker, a member of the Senate Select Committee, released to the press information that Patrick Gray had burned politically sensitive files which had been given to him by John Dean from Howard Hunt's White House safe. Petersen has testified that on this date the President telephoned him to ask if Gray ought to resign as Acting FBI Director and that Petersen told the President that he thought Gray's position was untenable. At the President's instruction, Petersen, Gray and Kleindienst met that evening and discussed Gray's possible resignation. Kleindienst telephoned the President and recommended that Gray step down, but added that Gray did not see it that way. The President told Kleindienst that he would not require Gray to resign immediately. Gray has testified that Kleindienst also stated after speaking to the President there must be no implication that in burning these files there was any attempt of a coverup at the White House.

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85.1 L. Patrick Gray testimony, 9 SSC 3491-92, 3495.....	1614
85.2 <u>New York Daily News</u> , April 27, 1973, 2.....	1617
85.3 Meetings and conversations between the President and Henry Petersen, April 26, 1973 (received from White House).....	1618
85.4 Henry Petersen testimony, 9 SSC 3625-26, 3654.....	1619
85.5 Meetings and conversations between the President and Richard Kleindienst, April 26, 1973 (received from White House).....	1622
85.6 Richard Kleindienst testimony, 9 SSC 3598-99.....	1623

86. On April 26, 1973 Jeb Magruder resigned his post as Director of Policy Development for the Department of Commerce.

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86.1 Washington Post, April 27, 1973, A1, A16..... 1626

87. On the afternoon of April 27, 1973 Patrick Gray notified Lawrence Higby that he was resigning as Acting Director of the FBI. From 4:31 to 4:35 p.m. on April 27, the President had a telephone conversation with Petersen during which the President asked if Petersen had any information that would reflect on the President. Petersen said no. At the President's request, Petersen met with the President from 5:37 to 5:43 p.m. and from 6:04 to 6:48 p.m. The President again asked if there was adverse information about the President. Petersen said he was sure that the prosecutors did not have that type of information.

The Committee has requested the tape recordings and other evidence of various Presidential conversations on the afternoon and evening of April 27, 1973. The President has produced edited transcripts of the conversations between the President and Petersen from 5:37 to 5:43 p.m. and among the President, Petersen and Ronald Ziegler from 6:04 to 6:48 p.m. Summaries of the transcripts have been prepared.

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87.1 L. Patrick Gray testimony, 9 SSC 3492-93.....	1629
87.2 L. Patrick Gray log, April 27, 1973 (received from SSC).....	1631
87.3 Meetings and conversations between the President and Henry Petersen, April 27, 1973 (received from White House).....	1633
87.4 Henry Petersen testimony, 9 SSC 3636.....	1634

- 87.5 House Judiciary Committee staff summary of
White House edited transcript of a meeting
between the President and Henry Petersen
April 27, 1973, 5:37 - 5:43 p.m..... 1635
- 87.6 House Judiciary Committee staff summary of
White House edited transcript of a meeting
among the President, Henry Petersen and
Ronald Ziegler, April 27, 1973, 6:04 -
6:48 p.m..... 1638

88. On or about April 28, 1973 H.R. Haldeman and John Ehrlichman determined that they should resign from their positions on the White House staff. Haldeman and Ehrlichman have testified that the President did not request their resignations.

	Page
88.1 H.R. Haldeman testimony, 8 SSC 3096.....	1648
88.2 John Ehrlichman testimony, 7 SSC 2808-09.....	1649

89. On April 29, 1973 the President met with Attorney General Richard Kleindienst at Camp David. They discussed Kleindienst's resignation as Attorney General. The President asked Kleindienst if he could announce Kleindienst's resignation in his statement the next day and Kleindienst consented. Also on that date the President met with Elliot Richardson at Camp David and informed him of his intention to nominate Richardson to be Attorney General. The President told Richardson that he would commit to Richardson's determination whether a special prosecutor was needed.

	Page
89.1 Elliot Richardson testimony, SJC, Richardson Confirmation Hearings, May 22, 1973, 228.....	1652
89.2 Elliot Richardson press conference, October 23, 1973, 29.....	1653
89.3 Richard Kleindienst testimony, 9 SSC 3597-98.....	1654

90. On April 30, 1973 the President made a nationwide televised address on the Watergate matter. He announced the resignations of H. R. Haldeman, John Ehrlichman, Richard Kleindienst and John Dean and the appointment of Elliot Richardson as Attorney General of the United States.

Page

90.1 President Nixon address, April 30,
1973, 9 Presidential Documents 433-34..... 1658

STATEMENT OF INFORMATION

AND

SUPPORTING EVIDENCE

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

March 22, 1973 - April 30, 1973

Part 3

58. On April 15, 1973, from 11:45 to 11:53 p.m., the President had a telephone conversation with Henry Petersen. The President told Petersen that he had met with Dean. There was also a discussion of whether the President should ask Dean, Haldeman and Ehrlichman to resign. Petersen has testified that the President told him that Dean had given the President basically the same information which Dean had previously given to the prosecutors.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
58.1 Henry Petersen testimony, 9 SSC 3648.....	1124
58.2 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	1125
58.3 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 15, 1973, 11:45 - 11:53 p.m.....	1128

Senator GURNEY. Did you know at any time, Mr. Petersen, that Haldeman and Dean were trying to get the CIA to stop the investigation of the FBI as far as the Mexican money was concerned?

Mr. PETERSEN. Only to the extent of Pat Gray's conversation with me on or around July 5.

Senator GURNEY. What did he tell you at that time?

Mr. PETERSEN. He didn't tell me he had been contacted by the White House. He told me he had been in contact with CIA and that there was some, it was a very guarded conversation type of thing, well, need to know situation, and I simply, well, that may be, but don't accept that unless you accept it in writing, but I had no more information than that on that.

Senator GURNEY. You didn't know anything about the White House involvement?

Mr. PETERSEN. No.

Senator GURNEY. Just CIA?

Mr. PETERSEN. That is right.

Senator GURNEY. At any time during this whole sad affair, either last year or this year, until the events that transpired around April did anybody try to pressure you to stop or slow down or soft-pedal this investigation that you were in charge of?

Mr. PETERSEN. No, sir, the only thing that could possibly cast in that category would be the call from Ehrlichman with respect to Stans' subpoena and, you know, frankly, that didn't bother me too much. As I told Kleindienst, he just made a mistake. But no one else. There was some pressure to get the indictment out, get the indictment, they wanted it out by September 1. We couldn't do that. I frankly promised them September 1, we couldn't do it until September 15. That didn't impair the investigation. We were ready to go to trial in November, but Judge Sirica had a bad back and continued the thing on his own motion.

Senator GURNEY. Let me inquire about the contacts you had with the President of the United States. The log here shows a great many phone calls as well as some meetings. Of course, you have covered some of them.

Mr. PETERSEN. Some of them, yes, sir.

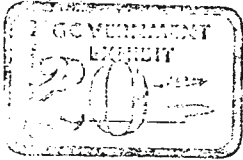
Senator GURNEY. What about those four phone calls which the President initiated to you after your afternoon meeting with him on April 5. What were those about?

Mr. PETERSEN. The first was should I meet with John Dean. Yes. The second was a meeting has been set up. The third was if Liddy is not talking because of any sense of misguided loyalty to me, you had better disabuse him and I am issuing orders to you to that effect. The fourth one, I have had a meeting with Dean, he has given me basically what he has told you and I think it has been helpful.

Senator GURNEY. Without going over all of these, because I know you have covered some of them, but I can't identify what you have and what you haven't. Generally, what was the President calling you about during this period of time?

Mr. PETERSEN. Status reports, immunity, the Ellsberg thing, Strachan's testimony. We had Strachan like this and Magruder on one side and Strachan on the other and we finally decided to put them both

NOTE: THE AFTERNOON MEETING BETWEEN THE PRESIDENT AND HENRY PETERSEN REFERRED TO BY SENATOR GURNEY IN THE BRACKETED PORTION OF PAGE 3648 ACTUALLY TOOK PLACE ON APRIL 15, 1973.

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 15, 1973 TIME DAY 12:09 a.m. SUNDAY
PLACE DAY BEGAN *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.				
TIME		PHONE Placed Received	ACTIVITY	
In	Out	To	LD	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Same as 4773 In re Grand Jury Proceedings

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	In	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

2 3

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE Placed Received		ACTIVITY
In	Out	Lo	ID	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

APPENDIX 29

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

APRIL 15, 1973, 11:45 p.m. to 11:53 p.m.

On April 15, 1973 the President spoke with Assistant Attorney General Henry Petersen by telephone between 11:45 and 11:53 p.m. The President told Petersen that he had asked Dean when he wanted to resign, and Dean said he preferred to wait until he had testified. The President said, "But, what do you want me to do? I don't want to interfere with your process?" Petersen said that he didn't think they ought to, not yet, because he [Dean] was the first one to "really come in." The President replied that, "The main thing Henry we must not have any question, now, on this, you know I am in charge of this thing. You are and I am. Above everything else and I am following it every inch of the way and I don't want any question, that's of the fact that I am a way ahead of the game. You know, I want to stay one step ahead of the curve." Petersen reiterated that they should "hold the line." The President said that when Petersen let him know he would call Dean "in and naturally he will have to resign." (pp. 1-2)

The President asked Petersen about Haldeman and Ehrlichman. Petersen said he thought they would ultimately have to resign, but that he would like to wait until they testified. Petersen said they wanted to fashion all the things into a pattern. The President asked Petersen how soon he thought that would be done. Petersen told the President it

would take two weeks or more. The President asked Petersen to give him "a little sheet of paper on both [Haldeman and Ehrlichman] as to what you feel their vulnerabilities are so that I -- could you do that?"

Petersen said he would try. (p. 4) The President said that Haldeman, Ehrlichman and Dean would resign at "a moment's notice because they put the office first. But the only thing I am concerned about is in the prosecution of a case like this, it may be that if you have them move it may have an effect on some of the others you are trying to get to testify." Petersen said, "That is certainly true with Dean." (pp. 3-5)

Petersen asked for more time to think about Ehrlichman and Haldeman and "weave all of the facts with respect to them into a pattern." He said it was "not going to come out neat and clean" with respect to either of them. The President said that the case appeared to him to be basically an obstruction of justice case, with the possibility of knowledge by Haldeman. Petersen said it was easy for him to see how they "fell into" the obstruction of justice thing. The President replied, "Yeah. Uh, huh. Rather than being directly conspirators?" Petersen said, "That's right. That's right." The President said he supposed there was a difference in that respect. and Petersen said at least "in moral culpability." They discussed the possibility of "ultimate embarrassment" necessitating the need for Haldeman's and Ehrlichman's resignations, while they might not be subject to legal liability. The President said he would wait until he heard from Petersen before moving on Dean. Petersen said it was not going to be in the next few days because they had Strachan, LaRue and O'Brien. The President asked Petersen about Magruder, and Petersen said they were negotiating with Magruder's attorneys. The President said

that Petersen's idea of getting Magruder to plead guilty and "beating the damn press and the Ervin Committee to it is a very good one." Petersen said tht negotiations were under way but that Magruder's counsel were afraid Sirica would clap him in jail immediately. The President said that "Sirica's got to see the point of this. My goodness because the point is Sirica's got to realize he is getting bigger fish." To which Petersen replied, "That's right." (pp. 5-8)

59. On April 16, 1973 from 8:18 to 8:22 a.m. the President had a telephone conversation with John Ehrlichman. Ehrlichman has testified that the President stated he was going to ask Dean to resign or take a leave of absence because Dean apparently continued to have access to White House files and because the President and Dean then had basically an adversary relationship. From 9:50 to 9:59 a.m. the President met with Haldeman and Ehrlichman. There was a discussion of what the President would say to Dean and of what statement might be released to the press.

In response to the Committee's subpoena for the tape recording and other evidence of the conversation between the President, Haldeman and Ehrlichman, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
59.1 John Ehrlichman testimony, 7 SSC 2807-08.....	1132
59.2 President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1134
59.3 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman and John Ehrlichman, April 16, 1973, 9:50 - 9:59 a.m.....	1137

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Senator ERVIN. And I have legal misgivings as well. Notwithstanding the fact my experience has been, in the long years of practicing law, that I can find a Federal decision in one of the circuits that will sustain any point on any side of the question.

Senator BAKER. It has been my experience practicing law too, when the Supreme Court denies certiorari I am out of business.

Senator ERVIN. Yes; and so is the Supreme Court.

Senator BAKER. That is up to them to decide. I have argued long and hard with them and sometimes I won and sometimes I lost, and I like it better winning but that is not always the way it goes.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Mr. Ehrlichman, on April 14 you gave your report to the President on Watergate. On April 30 you resigned from the White House staff. Now, in the 2 weeks in between you had several meetings with the President of the United States. I presume some of these were on Watergate and conversations that led up to your resignation.

Will you tell the committee what you said to the President and what the President said to you at these meetings?

Mr. EHRLICHMAN. Senator, notwithstanding Watergate, the business at the White House went on during those 2 weeks and quite a few of these meetings were with regard to the business at hand, and I will—

Senator GURNEY. I am not interested in that, only Watergate matters.

Mr. EHRLICHMAN. Right. Quite a bit of the conversation during this period of time had to do with John Dean's status in the White House. Henry Petersen became the President's confidant and righthand man on Watergate, following April 15. The President decided that he would work with Mr. Petersen personally. He did. He had a number of meetings with Mr. Petersen who gave him a good deal of additional information which I did not have and to which I am not privy.

One of the first things that Mr. Petersen apparently asked the President to do was fire Mr. Haldeman and me.

Senator GURNEY. When was that, do you know?

Mr. EHRLICHMAN. Well, it must have been very early in the game, shortly—on or shortly after the 15th.

The President pressed him for the basis of this request. Mr. Petersen acknowledged that there probably was no legal liability but that he felt that as a matter of appearances that this is the step that the President should take.

At the same time Mr. Petersen was urging the President not to fire Mr. Dean until such time as the prosecutors had had an opportunity to perfect their negotiations and their interrogation of Mr. Dean. And so there was a lot of conversation between us over this period of time both as to what our status should be in the White House and what Mr. Dean's status should be.

On Monday, the 16th, I believe it was, the President telephoned me and said that he was going to see Mr. Dean that morning. He had decided that Mr. Petersen's desires to the contrary notwithstanding, he was going to request that Dean either take a leave or resign.

He asked that letters be prepared that would be appropriate to both of these alternatives and he more or less dictated what should be in

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those letters. I say more or less. He literally did dictate what he wanted in them. I had my secretary type them basically from the notes that I took from that conversation of the President and I understand that later on he did present them to Mr. Dean and Mr. Dean refused to sign either one. So he reported that to me later on in the day.

There were those kind of—those kind of questions that were going on in discussion. At a point in time he asked Mr. Petersen—

Senator GURNEY. Stop right there. Did the President tell you why he wanted to fire Mr. Dean or have him resign?

Mr. EHRLICHMAN. Well, he felt that since Mr. Dean was continuing to come to the—come to the White House and apparently had access to his files and to other files presumably, in the central files of the White House, that it was—they had then basically an adversary relationship and that it was an unhealthy situation, there ought to be a clean termination.

This obviously did not take place. Mr. Petersen, I gather from talking with the President, Mr. Petersen strongly urged the President following that, to make no move where Mr. Dean was concerned and the President acquiesced in that.

We became—that is, Mr. Haldeman and I—became the targets of newspaper and other media attention about the 22d, about Easter, and from then on through the 30th, very vigorous newspaper attack, is the only thing I can say. The Los Angeles Times printed a totally dishonest and false story about my intervention in some Middle East activity. We were continually finding—I was continually finding myself laying aside the work of the day to prepare press statements or to research documents, things of this kind.

What I am leading to, Senator, is—

Senator GURNEY. Just a moment. At that point I think we should strike from the record—Mr. Chairman, I think we should strike from the record mention of this *Vesco* case.

Senator ERVIN. Yes.

Senator GURNEY. We are trying to keep this—

Senator ERVIN. Yes; it can be stricken from the record.

Mr. HUNDLEY. Mr. Chairman, I just want to state for the record, you know, the witness is being responsive and he has mentioned this case twice this morning. It just does not suffice for Mr. Mitchell's purposes every time it happens to strike it from the record.

Senator ERVIN. Well, we are glad to have the interjection about the *Vesco* matter stricken but I believe that is as far as we can go at this time.

Mr. EHRLICHMAN. In any event—

Senator ERVIN. And I will ask the witness to—


Mr. EHRLICHMAN. I am sorry. That—

Senator ERVIN [continuing]. Any refrain from further reference—

Mr. EHRLICHMAN. I had a personal interest in that one. I am afraid, Mr. Chairman, and this was the instance, however, that directly led to my realization that I simply could not do my job there and continue with the denials and harassment and all that that was going on.

We began discussing very seriously with the President the need for—and this was separate—I began discussing and I understand Mr. Halde-

59.2 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 16, 1973
PLACE DAY BEGAN THE WHITE HOUSE WASHINGTON, D.C.				TIME DAY 12:08 a.m. MONDAY
TIME		PHONE P. Placed R. Received	ACTIVITY	
In	Out	To	LD	
12:08	12:23	P		The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P		The President talked with his Assistant, John D. Ehrlichman.
8:26		P		The President talked with his Special Assistant, Stephen B. Bull.
8:27		P		The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29				The President went to the first floor private dining room.
8:29	9:24			The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24				The President went to the Oval Office.
9:50	9:59			The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40			The President met with his Counsel, John W. Dean III.
10:50	11:04			The President met with: Mr. Haldeman Mr. Ehrlichman
11:04				The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11			The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
				The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
				The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine
				The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see <u>APPENDIX "A."</u>

James Earl Ray 34

**59.2 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973,
EXHIBIT 21, IN RE GRAND JURY, MISC. 47-78**

PLACE DAY BEGAN		DATE BEG. DAY		TIME DAY	
THE WHITE HOUSE WASHINGTON, D.C.		APRIL 16, 1973		11:11 a.m. MONDAY	
TIME		PHONE		ACTIVITY	
In	Out	P Placed	R Received		
				<p>The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see APPENDIX "B."</p> <p>Members of the press, in/out</p> <p>White House photographer, in/out</p>	
				<p>The President returned to his limousine. He was accompanied by:</p> <p>Secretary Brennan</p> <p>Mr. Georgine</p> <p>White House photographer, in/out</p>	
11:48	11:55			<p>The President motored from the Washington Hilton Hotel to the South Grounds of the White House.</p>	
11:57				<p>The President returned to the Oval Office.</p>	
12:00	12:31			<p>The President met with Mr. Haldeman.</p>	
12:31	12:39			<p>The President met with:</p> <p>Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA)</p> <p>Robert Hitchins, General Manager of AA General Service Office</p> <p>Tom Pike, member of the National Advisory Council on Alcoholism</p> <p>Caspar W. Weinberger, Secretary of HEW</p> <p>James H. Cavanaugh, Staff Assistant</p> <p>White House photographer, in/out</p> <p>The President received the one millionth copy of the "Alcoholics Anonymous" book.</p>	
12:40	12:57			<p>The President met with:</p> <p>Roy D. Hickman, President of Rotary International</p> <p>W. Richard Howard, Special Assistant</p> <p>White House photographer, in/out</p> <p>Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.</p>	
12:58	1:37			<p>The President met with his Press Secretary, Ronald L. Ziegler.</p>	
1:38				<p>The President went to his office in the EOB.</p>	
1:39	3:25			<p>The President met with:</p> <p>Henry E. Peterson, Assistant Attorney General</p>	
2:25	2:52			<p>Mr. Ziegler</p>	

PRESIDENT RICHARD NIXON'S DAILY DIARY (To Be Filled In by the President's Secretary)			
PLACE DAY BEGAN			
THE WHITE HOUSE WASHINGTON, D.C.			
DATE (MO. DAY YEAR) APRIL 16, 1973			
TIME DAY 2:10 P.M. MONDAY			
TIME		PHONE	ACTIVITY
In	Out	P Placed E Received To LD	
2:19		P	The President requested that Mr. Ziegler join him.
3:25	3:26	P	The President talked with Mr. Ziegler.
3:27	4:02		The President met with: Mr. Ehrlichman
3:35	4:04		Mr. Ziegler
4:04	4:05	P	The President talked with his Counsel, John W. Dean III.
4:05	4:06		The President met with Mr. Bull.
4:07	4:35		The President met with Mr. Dean.
4:42	4:43	P	The President talked with his daughter, Julie.
4:55	6:01		The President met with: William P. Rogers, Secretary of State
5:45	6:01		Mr. Ziegler
6:01			The President and Secretary Rogers went to West Executive Avenue.
6:01	6:10		The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:15	8:28		The President went boating on the <u>Sequoia</u> with Secretary Rogers.
7:20			The President and Secretary Rogers had dinner on board.
8:28			The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:32	8:41		The President motored from the Washington Navy Yard to the South Grounds of the White House.
8:42			The President returned to his office in the EOB.
8:45		P	The President telephoned Mr. Ehrlichman. The call was not completed.
8:58	9:14	P	The President talked with Mr. Petersen.
9:24			The President returned to the second floor Residence.
9:27	9:49	R	The President talked with Mr. Ehrlichman.
CD/SM/JD			

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 16, 1973, 9:50 a.m. to 9:59 a.m.

On April 16, 1973, the President met with H. R. Haldeman and John Ehrlichman in the Oval Office from 9:50 to 9:59 a.m. Ehrlichman asked the President, "Did you get those --" and the President said, "I'm going to ask him which one he wants to sign." The President said it seemed to him that he did not want to pressure him. He asked Ehrlichman's advice, saying "[w]e've got plenty of time." Ehrlichman advised the President that Dean ought to sign both of them, so the President could use either or none, depending on how circumstances unfolded. If he wouldn't, Ehrlichman said, "you know what to do at that point." Haldeman added, "You go to Petersen and ask him not to (unintelligible)." The President said that was why he wanted "to nail down what Dean said about other bugs on the White House and so forth, and so on. I assume that is the Plumbers operation." Ehrlichman replied, "No, no. What he is referring to is the FBI's bugs on the journalists in the first year he was nominated." (p. 1)

The President asked for advice about telling Dean "that anything in that area is National Security (unintelligible)." Ehrlichman replied that he thought the President should and that it should "cover not only that but Plumbing operation and anything else of which he has knowledge that I am (unintelligible) that with Executive Privilege right now." Ehrlichman said the "whole operation" was, because the President was afraid there were leaks at the NSC and was trying to find them. The President replied, "I thought they were due to the

FBI." Ehrlichman replied, "Well, all the (unintelligible) were but there was one in Georgetown at somebody's house that actually was never put on. It was (unintelligible) but it was explored and how Dean knows about that, I don't know. The FBI files --"

The President said, "(Unintelligible)," and Ehrlichman said, "I can't say. I doubt it. I think it was before his time." (pp. 2-3)

The President referred to his phone call to Petersen the previous evening during which he discussed Liddy's silence. The President said he made the call in Dean's presence because Dean "said Liddy was saying how he knows Liddy had told (unintelligible) or something like that." (p. 3)

The President said that he "would like also a scenario with regard to the President's role, in other words, the President --" Ehrlichman said that he had just talked with Ziegler, who felt that they had no more than 12 hours to take an initiative. Ehrlichman suggested that Ziegler set a meeting with Petersen and have the President persuade Petersen that "the announcement has come from the White House." The President responded, "I'll tell them." Ehrlichman continued, "Otherwise the Justice Department will, of course, crack this whole thing." (pp. 3-4)

Ehrlichman asked about Dean's statement the night before "that Petersen had told you [the President] that Liddy has not talked. They can't get Liddy to talk." Ehrlichman said, "Dean told us that Liddy had told him everything. Told the U.S. Attorney." The President said he knew that. Ehrlichman said, "Petersen lying to you or

(unintelligible)"; and the President said, "Well, maybe a little both." The President said, "A snow job" and Ehrlichman replied "Either that, or Dean is (unintelligible) cover-up in case anything starts to seep out." (p. 5)

Ehrlichman discussed Ziegler's proposal "to get out the fact that Dean (unintelligible) you that the Dean report was inadequate (unintelligible) that several weeks ago you reinstituted an examination of the personal investigation and that this culminated in a whole series of actions over the weekend." (p. 5-6)

Ehrlichman said if he was "going to be splashed on this thing," the President was "better off now having another scrap with Dean." The President replied, "Well, somebody is going to be." The President asked Ehrlichman to talk to Moore to see Gray and said, "Time is of the essence right now." Ehrlichman said he was "going to get Moore to talk to Fielding also, and find out what was in there because I don't want to know." (pp. 6-7)

Ehrlichman said the use and announcement of the letters of resignation that were to be signed by Dean would be at the President's discretion. Ehrlichman concluded the conversation by suggesting that the President should ask Dean if he intended to plead guilty. Ehrlichman said, "And that will weigh in your own (unintelligible)." To which the President replied, "That's right. That's right. (Unintelligible)" (p. 8)

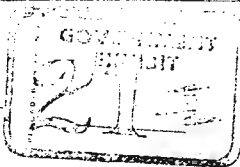
The transcript is followed by the notation "Material unrelated to Presidential actions deleted." (p. 8)

60. On April 16, 1973 the President met with John Dean from 10:00 to 10:40 a.m. The following is an index to certain of the subjects discussed in the course of that meeting:

TRANSCRIPT PAGE

President's request that Dean submit a letter of resignation or a request for a leave of absence, and discussion of other resignations.	1, 8, 11, 12, 51-53
March 21, 1973 conversation among the President, Dean and Haldeman, and what Dean should say about that conversation.	17-21; 24-27
Whether the President would waive executive privilege.	22, 28
How events after the break-in and after March 21 would be described.	22-28; 42-43
What induced Magruder to talk and the President's desire to take credit for Magruder's cooperation.	31-34
President's statements to Dean that Dean should tell the truth.	34-35; 44
Executive clemency.	35-36; 46-48
President's statement that Dean was still his counsel.	38
What should be done about legal problems of White House aides.	38-42; 45-51

60.1	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1143
60.2	Drafts of two letters to the President dated April 16, 1973, SSC Exhibit No. 34-49, 3 SSC 1314-15.....	1146
60.3	Tape recording of a conversation between the President and John Dean, April 16, 1973, 10:00 - 10:40 a.m., and House Judiciary Committee transcript thereof.....	1148

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (Use Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 16, 1973
PLACE DAY BEGAN THE WHITE HOUSE WASHINGTON, D.C.				TIME DAY 12:08 a.m. MONDAY
TIME		PHONE P. Placed R. Received		ACTIVITY
In	Out	Lo	LD	
12:08	12:23	P		The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P		The President talked with his Assistant, John D. Ehrlichman.
8:26		P		The President talked with his Special Assistant, Stephen B. Bull.
8:27		P		The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29				The President went to the first floor private dining room.
8:29	9:24			The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24				The President went to the Oval Office.
9:50	9:59			The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40			The President met with his Counsel, John W. Dean III.
10:50	11:04			The President met with: Mr. Haldeman Mr. Ehrlichman
11:04				The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11			The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
				The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
				The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine.
				The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see <u>APPENDIX "A."</u>

James Earl Ray

60.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(The diary is to be filled in by the President)

PLACE DAY BEGAN				DATE (Mo., Day, Year)
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 16, 1973
				TIME DAY 11:11 p.m. MONDAY
TIME		PHONE P. Placed R. Received		ACTIVITY
In	Out	To	LD	
				The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see APPENDIX "B." Members of the press, in/out White House photographer, in/out
				The President returned to his limousine. He was accompanied by: Secretary Brennan Mr. Georgine White House photographer, in/out
11:48	11:55			The President motored from the Washington Hilton Hotel to the South Grounds of the White House.
11:57				The President returned to the Oval Office.
12:00	12:31			The President met with Mr. Haldeman.
12:31	12:39			The President met with: Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA) Robert Hitchins, General Manager of AA General Service Office Tom Pike, member of the National Advisory Council on Alcoholism Caspar W. Weinberger, Secretary of HEW James H. Cavanaugh, Staff Assistant White House photographer, in/out The President received the one millionth copy of the "Alcoholics Anonymous" book.
12:40	12:57			The President met with: Roy D. Hickman, President of Rotary International W. Richard Howard, Special Assistant White House photographer, in/out Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.
12:58	1:37			The President met with his Press Secretary, Ronald L. Ziegler.
1:38				The President went to his office in the EOB.
1:39	3:25			The President met with: Henry E. Petersen, Assistant Attorney General
2:25	2:52			Mr. Ziegler

PRESIDENT RICHARD NIXON'S DAILY DIARY

DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (MO, DAY, YR)
APRIL 16, 1973
TIME DAY
2:19 P.M. MONDAY

TIME		PHONE		ACTIVITY
In	Out	To	From	
2:19		P		The President requested that Mr. Ziegler join him.
3:25	3:26	P		The President talked with Mr. Ziegler.
3:27	4:02			The President met with: Mr. Ehrlichman
3:35	4:04			Mr. Ziegler
4:04	4:05	P		The President talked with his Counsel, John W. Dean III.
4:05	4:06			The President met with Mr. Bull.
4:07	4:35			The President met with Mr. Dean.
4:42	4:43	P		The President talked with his daughter, Julie.
4:55	6:01			The President met with: William P. Rogers, Secretary of State
5:45	6:01			Mr. Ziegler
6:01				The President and Secretary Rogers went to West Executive Avenue.
6:01	6:10			The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:15	8:28			The President went boating on the <u>Sequoia</u> with Secretary Rogers.
7:20				The President and Secretary Rogers had dinner on board.
8:28				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:32	8:41			The President motored from the Washington Navy Yard to the South Grounds of the White House.
8:42				The President returned to his office in the EOB.
8:45		P		The President telephoned Mr. Ehrlichman. The call was not completed.
8:58	9:14	P		The President talked with Mr. Petersen.
9:24				The President returned to the second floor Residence.
9:27	9:49	R		The President talked with Mr. Ehrlichman.

CO/SM/AD

1314

EXHIBIT NO. 34-49

THE WHITE HOUSE

WASHINGTON

April 16, 1973

Dear Mr. President:

As a result of my involvement in the Watergate matter, which we discussed last night and today, I tender to you my resignation effective at once.

Sincerely,

The President
The White House
Washington, D. C.

1315

THE WHITE HOUSE

WASHINGTON

April 16, 1973

Dear Mr. President:

In view of my increasing involvement in the Watergate matter, my impending appearance before the grand jury and the probability of its action, I request an immediate and indefinite leave of absence from my position on your staff.

Sincerely,

The President
The White House
Washington, D. C.

60.3 TRANSCRIPT OF APRIL 16, 1973 MEETING

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A MEETING BETWEEN THE PRESIDENT
AND JOHN DEAN ON APRIL 16, 1973, FROM 10:00 TO
10:40 A.M.

PRESIDENT: Hi John, how are you?

DEAN: Good morning. Good morning.

PRESIDENT: Sit down. Sit down. Trying to get my remarks ready
to [unintelligible] the building trades.

DEAN: So I understand.

PRESIDENT: Yes, indeed, yeah. You know, I was thinking we ought
to get the odds and ends, uh [unintelligible] we talked,
and, uh, it was confirmed that -- you remember we talked
about resignations and so forth and so on -- that I
should have in hand, not to be released,

DEAN: Uh huh.

PRESIDENT: but I should have in hand something, or otherwise they'll
say, "What the hell did you -- after Mr. Dean told you
all of this, what did you do?" You see what I mean?

DEAN: Uh huh.

PRESIDENT: Now I talked to Petersen, uh, about, uh, about the thing,

and I said, "Now, uh, what do you want to do about, uh, about this situation on Dean, and so forth?" And he said, "Well," he said, "I," he said, "I would do n--, I, I don't want to announce anything now." You know what I mean?

DEAN: Uh huh.

PRESIDENT: But what is your feeling on that?

DEAN: [Clears throat]

PRESIDENT: See what I mean?

DEAN: Are we talking Dean, or are we talking Dean, Ehrlichman and Haldeman?

PRESIDENT: Well, I'm talking Dean

DEAN: Dean.

PRESIDENT: at this moment.

DEAN: All right.

PRESIDENT: Dean at this moment, because you're going to be, uh, you, you're going to be doing it. I'll have to handle them, also. But, the point is, what's your advice that we -- You see, the point is, we, we don't have -- I just, I just got it, I just typed up a couple, just to have here which I'd be willing to put out. You know,

DEAN: Uh huh.

PRESIDENT: in the event that, uh, certain things occurred.

DEAN: I understand.

PRESIDENT: But you see, put the, uh, the, put, just putting the -- you don't want to put any lies into it. Uh [unintelligible]. What's your advice?

DEAN: I think, I think it'd be the -- good to have it on hand.

PRESIDENT: Yeah.

DEAN: I would think, to be very honest with you --

PRESIDENT: Have those others, too?

DEAN: Have those others, also.

PRESIDENT: Yeah, yeah. I will. Well as a matter of fact, they both su--, suggested it for themselves.

DEAN: Uh huh.

PRESIDENT: So I got that, uh -- I am sorry, Steve, I hit the wrong bell.

DEAN: [Laughs]

PRESIDENT: So I've already done that with them.

DEAN: All right.

PRESIDENT: So, they said, "Look, uh, they're ready any time you want them." I've got that. Now I want to get your advice on that, too. So what I would, now what I would think we want to do, we should have it in two different forms, here. We should have it -- and I, would like to discuss with you the forms. It seems to me that your, the form should be, uh, uh, request an immediate indefinite leave of absence. That'd be one thing. And the other, of course, would be, uh, just a straight resignation.

DEAN: Uh huh.

PRESIDENT: Uh, first, uh, what I would suggest is that you sign both. That's what I had in mind. And then we'll talk about after, uh, because you don't know yet what you're going -- For example, you could go in and plead guilty. You'd have to resign.

DEAN: That's right.

PRESIDENT: If, on the other hand, you're going in, uh, on a, some other basis, then I think a leave of absence is then

DEAN: Uh huh.

PRESIDENT: the proper thing to do.

DEAN: I would think so.

PRESIDENT: And, uh, that's the way I would discuss it with, uh, with others, too. But if you have any other thoughts, let me know. I'm not trying to press you on a thing. Just, I just want to be sure, John, you've got the record, that you're, you're, uh, so that I've done everything that I [clears throat] [unintelligible]. Do you agree?

DEAN: Uh, I, I think it's a good idea. I frankly do.

PRESIDENT: Yeah.

DEAN: But, uh, I think if you do it for, for one -- I think you have problems with others too, Mr. President.

PRESIDENT: I already have done that with others.

DEAN: Yeah. All right. That's what I've been trying to advise you that, you know --

PRESIDENT: But on theirs, on theirs, on theirs, both the, uh, uh, pending the, uh -- It, it is all pending their appearance, and so forth. Just as it is in yours. Nothing's going to be said.

DEAN: Uh huh.

PRESIDENT: But I've got to have it in hand. You see what I mean?
I mean, my, my reason, as I told them -- As a matter
of fact, after our talk last night, I told them, I said,
"We, I've got to have it in hand so that I can move on
this, if, uh, as Petersen is going to report to me
every day." You see?

DEAN: Uh huh.

PRESIDENT: I said, "Now, Petersen," I said, "if you get this stuff
confirmed," I said, "I need to know." And he said, "Well,
I, uh --" 'cause I asked him, I asked him specifically,
I said, "What, what are you, uh, what, uh, what are
you going to do?" He says, "Well, LaRue is going to be
today." And, I don't know who else. Strachan's going
to be today. There are three today I think. I don't
know. Who's the third one?

DEAN: I don't know.

PRESIDENT: That's right. You're not supposed to.

[Laughter]

PRESIDENT: Uh, then, okay.

DEAN: What I would like to do is, is to draft up for you an
alternative letter. Put it in both options and you can
just put them in the file.

PRESIDENT: Uh huh.

DEAN: Uh, just short and, and sweet.

PRESIDENT: Uh huh. All right. Fine. I had, I had dictated something myself, on my own, which I just, which is, which is, uh [unintelligible] how this -- But you don't have to. If you can give me a better form, fine. I want you to do it either way. Do you, uh, or do you want to just prepare something?

DEAN: I'd like to prepare something.

PRESIDENT: Good. All right. Fine. Why don't you take this? And, uh, take those, just as an

DEAN: Sure.

PRESIDENT: idea, and have something that, uh -- I've got to see Petersen at 1:30.

DEAN: All right.

PRESIDENT: Understand, I don't want it s-- put anything out, because I don't want to jeopardize your position at, at all. You've got a right to, just as everybody else has, to, to -- let's say you've been -- you've carried a hell of a load here and I -- But I just feel that since what you said last night that we've got to do on this and with, uh, Haldeman and Ehrlichman -- I have, I have leave of absences from them. Which, however, I will not use until I get the word from Petersen on corroboration,

DEAN: All right.

PRESIDENT: which he, which he advised himself. I talked to him after I talked to you. Left about 11:45. I told the son-of-a-bitch, he doesn't know how hard we work around here.

DEAN: And you will have something, uh, uh, within a couple of hours.

PRESIDENT: Well, I,

DEAN: You think just put it in the file?

PRESIDENT: I won't be back, I won't be back, uh. Yeah. You, you can, uh, you draft what you want me to -- in other words --

DEAN: And if you don't like what I draft, tell me and I will change it in any way

PRESIDENT: Oh, sure, sure.

DEAN: that you want.

PRESIDENT: But I can't make a decision

DEAN: Yes sir.

PRESIDENT: of course you see -- And, and also, it may, it may depend -- Well, put it this way, put it this way, you draft what

you, what you want. And we can, uh, if I have any concerns about it, I'll give you a ring. You can, uh, be around, and so forth.

DEAN: Uh huh.

PRESIDENT: And, uh, but, but, you would agree you should -- but nothing should be put out now. Right?

DEAN: I would agree. I was, I was thinking about that.

PRESIDENT: You see, we've got the problem -- today the thing may break. You know, with Magruder, uh, and so forth. And, uh, I'm, uh, I -- You know what I mean. That's what I wanted to run over with you, briefly, as to, you know, to get your feeling again as to how we handle it, how we -- You know, you, you were saying the President should stay ahe--, one step ahead of this thing. Well, we've got, uh -- The point is, the only problem is what the hell can I say publicly? Now, here's what we've done.

DEAN: Well, you see --

PRESIDENT: I called in -- I got in Kleindienst. Uh, we've -- I've been working on it all week.

DEAN: Right.

PRESIDENT: Actually, I mean I got, as soon as I got the Magruder thing, then I, I got in Kleindienst, and, uh, then at four o'clock we got in, uh, sold uh, Petersen.

Kleindienst withdrew, uh, and, uh, uh, assigned Petersen. I said, "All right, Henry, I don't want to talk to Kleindienst anymore about this case. I'm just going to talk to you."

DEAN: Uh huh.

PRESIDENT: "You're in charge. You follow through and you're going through to get to the bottom of this thing and I am going to let the chips fall where they may." And we covered that all the way down the line. Now, I have to follow him to a certain extent on the prosecution side. On the other hand, on the PR side, I sure as hell am not going to let the Justice Department step out there

DEAN: Right.

PRESIDENT: and say, "Look, we dragged the White House in here." I've got to step out and do it, John.

DEAN: That's right.

PRESIDENT: Don't you agree?

DEAN: That's right. Uh --

PRESIDENT: But yet, I don't want to walk out and say, "I -- Look, John Dean's resignation has been accepted." Jesus Christ, that isn't fair.

DEAN: Nor would it be fair to say Ehr --, Ehrlichman and Haldeman's have.

PRESIDENT: Yeah. What --

DEAN: You know, I, I've already examined --

PRESIDENT: [Unintelligible] because you see they haven't been charged yet. As soon as they're charged [unintelligible]. But see he's -- But in your case, is you haven't been charged with anything yet --

DEAN: No, I have not.

PRESIDENT: That's my problem, see with it --

DEAN: Uh --

PRESIDENT: All I wanted is to have on -- The only reason I'm doing this is to, uh, because of you, what you said about some, what you said about them, and that's why I'm getting it from them too.

DEAN: Well, it's a, there's a chance, uh, uh -- Well, there's a chance that today when LaRue goes down that Haldeman and Ehrlichman's name are going to be right down there before the Grand Jury.

PRESIDENT: Right. Well, the name will be in, but the point is, you don't just throw somebody out because of a name lying in court.

DEAN: I, I understand.

PRESIDENT: You understand. Uh, would you, you could also, if you

would, here's, uh, and I would like for you to prepare this in a letter that you would have for Ehrlichman and Haldeman. Would you do that too?

DEAN: Yes sir.

PRESIDENT: And then I'll give them the form and let them work out their -- something that's appropriate. Would you prepare that for me, then?

DEAN: Yes, I will.

PRESIDENT: But they told me last night, orally, just as you did, that, uh --

DEAN: They stand ready.

PRESIDENT: Cover the record. They said, "Look, we will leave in a minute. We'll leave today. You can do whatever you want." And I said, "What the hell, we're going to have to wait until we get some evidence." You know what I mean?

DEAN: Uh huh.

PRESIDENT: Which I think you agree with.

DEAN: I -- That's what I do, and the question is timing, and, uh --

PRESIDENT: Yeah.

DEAN: Uh --

PRESIDENT: Now, let's get Dean's advice as to how we handle this now, from, uh, now on. What is your, what's your advice?

DEAN: Well, I would say you should have the letters in hand and, then

PRESIDENT: Right.

DEAN: based on what you learn from Petersen, you can make a judgment as to timing. I mean, I think you're still five steps ahead of what will ever emerge publicly. I don't think they --

PRESIDENT: They think in twelve hours it may break, somebody told me the news -- the Post's according to Ziegler, has got something now on this. Magruder talking around and everything. I don't know.

DEAN: Well, I know, I know what -- some of the things Magruder said. He said that, uh, that the prosecutors had asked him a number of questions about Ehrlichman and Haldeman. So there's no, there's no doubt that that's going to be out on the, uh,

PRESIDENT: Yeah.

DEAN: the street fast also.

PRESIDENT: Well, then we ought to move on that too.

DEAN: Uh huh.

PRESIDENT: That's my point. You see --

DEAN: It's unfortunate that I, you know, I'm hoping that the ultimate resolution of this thing is that no one has any problems. And that's possible,

PRESIDENT: Legally.

DEAN: legally.

PRESIDENT: That's right. Which I hope is your case, too. In other words, when I say no one, nobody at the White House staff -- not you, not Colson, not Ehrlichman, not Haldeman, because God damn it -- Let me, let me, let me summarize this specific point again, because I need to, uh, you know, they, we know there was no -- on the Dean report. Ziegler has always said it was oral.

DEAN: That's right.

PRESIDENT: Right. But you remember when you came in, I asked you the specific question: "Is anybody on the White House Staff involved?" You told me "No."

DEAN: That's right. And I have no knowledge --

PRESIDENT: You still believe that?

DEAN: Yes sir, I do.

PRESIDENT: Yeah. But you did tell me that in the aftermath there were serious problems.

DEAN: That's right.

PRESIDENT: Right. And, I said, "Well, let's see what they are." Right?

DEAN: And now you're beginning to see what they are. They're potential, technical, obstruction of justice problems.

PRESIDENT: Sure. But not necessarily.

DEAN: [Unintelligible]

PRESIDENT: Well, I talked to Petersen last night and he made exactly the same point. He says the obstruction was morally wrong. No, not morally. He said, it may not have been morally wrong, and it may not be legally wrong, but he said from the standpoint of the Presidency, you can't have it. That's

what his point was. So he, he seems to think that this, uh, that the obstruction of justice thing is a God damn hard thing to prove.

DEAN: That's right.

PRESIDENT: To prove in court, which I, I think should be some comfort to you.

DEAN: Well, my lawyer tells me that, you know, "Legally, you're in, you're in damn good shape."

PRESIDENT: Is that right?

DEAN: That's right.

PRESIDENT: Because, uh, you're not --

DEAN: That's right. It's, it's a --

PRESIDENT: You were simply helping the defendants get their fees and their --

DEAN: Well --

PRESIDENT: Huh? What does he say?

DEAN: In that, in that position, I'm merely a conduit. Uh, it's

very technical, very technical. I am a conduit to other people. That is the problem.

PRESIDENT: Uh huh. What was the situation, John? This -- The only time I ever heard any discussion of, uh, this supporting of the defendants -- and I must say I, I guess I should have assumed somebody was helping them, I must have assumed it, but, uh, and, and I must say people were good in a way, I, I was busy -- was when you mentioned to me some, something, about the, I mean, I think the last time we talked about Hal, uh, Hunt having a problem.

DEAN: Well --

PRESIDENT: But that, and that was, then we, but that was handled at, by Mitchell. Was that true or what the hell happened?

DEAN: That's, that's -- The last time we had a request was the, was

PRESIDENT: How did it work out? Did you--?

DEAN: the Monday before sentencing.

PRESIDENT: He hit you with a, uh, uh,

DEAN: No.

PRESIDENT: at a dinner or something?

DEAN: No, no. O'Brien, who was one of the lawyers who was representing the Re-election Committee, was asked by Hunt to meet with him. He came to me after the meeting and said that, "Hunt asked the following message be passed to you." And I said, "Why me?" He said, "I asked Hunt the same question."

PRESIDENT: To you, Dean, or to me, the President?

DEAN: Asked of me,

PRESIDENT: Oh.

DEAN: Dean.

PRESIDENT: Oh yeah.

DEAN: It's the first time I'd ever heard anything like this. And I said, uh --

PRESIDENT: He had never asked

DEAN: No.

PRESIDENT: you before.

DEAN: No. Uh --

PRESIDENT: Let me tell you. What did you report to me on it, though? I -- It was rather fragmentary, as I recall it. You said,

DEAN: Right.

PRESIDENT: "Hunt had a problem," and, uh --

DEAN: Very fragmentary. I was, I --

PRESIDENT: Yeah, but that's not the thing. I, I said, "What, what -- John, what's it going to cost to do this?" Uh, that's when I sent you to Camp -- and said, "Well, for God's sake, let's see where this thing comes out."

DEAN: That's right.

PRESIDENT: And you said it'd cost a million dollars.

DEAN: I said, "It," you know, "it conceivably could, and the way this," I said, "If we don't cut this thing --"

PRESIDENT: Exactly.

DEAN: Uh, anyway --

PRESIDENT: But that's the only conversation we had. Where -- How was that handled? Who the hell handled that, that money?

DEAN: Uh, well, let me tell you the rest -- what, what Hunt said. He said, "You tell Dean that I need seventy-two thousand dollars for my personal expenses, fifty thousand dollars for my legal fees."

PRESIDENT: Uh huh.

DEAN: "If I don't get it, I'm going to have some things to say about the seamy things I did at the White House for John Ehrlichman."

PRESIDENT: Uh huh.

DEAN: All right. I took that to Ehrlichman. Ehrlichman said, uh, "Have you talked to Mitchell about it?" I said, "No, I have not." Uh, he said, "Well, will you talk to Mitchell?" I said, "Yes, I will." I talked to Mitchell. I just passed it along to him. And then there was a meeting down here a few days later in, in Bob's office with Bob and Ehrlichman and Mitchell and myself. And, uh, Ehrlichman said at that time, he said, "Well is that problem with Hunt straightened out?" He said it to me and I said, "Well, ask the man who may know: Mitchell." And Mitchell said, "I think that problem is solved."

PRESIDENT: That's all?

DEAN: That's all he said.

PRESIDENT: Right. That's good. In other words, that was done at the Mitchell level?

DEAN: That's right.

PRESIDENT: But, you had knowledge; Haldeman had a lot of knowledge; and

Ehrlichman had knowledge.

DEAN: Right.

PRESIDENT: And I suppose I did. I mean, I am planning to assume some culpability on that [unintelligible]

DEAN: I don't think so.

PRESIDENT: Why not?

DEAN: Uh --

PRESIDENT: I plan to be tough on myself as I am on the other thing, though, I, I must say I didn't really give it a thought at the time because I didn't know, uh --

DEAN: No one gave it a thought.

PRESIDENT: You did. You did.

DEAN: No one --

PRESIDENT: You didn't tell me this about Ehrlichman, for example. When you came in on that day

DEAN: I know.

PRESIDENT: you simply said, "Hunt needs this money." And you were using it as an example of the problems ahead.

DEAN: I, I have tried, uh, all along to make sure that anything I passed to you myself didn't cause you any personal problems.

PRESIDENT: John, let me ask you this. Let us suppose if this thing breaks and they ask you, John Dean: "Now, John you were the President's Counsel. Did you report things to the President? What did you report to the President?"

DEAN: I, I would, I would refuse to answer any questions as to anything --

PRESIDENT: No, no, no, no, uh, no -- I think you should -- Let me ask you this.

DEAN: Unless you waive --

PRESIDENT: Let me say, on this point, I would, uh, would not waive. You could say, "I reported to the President." Uh, that "The President called me in." I mean, "The President has authorized me to say -- He called me in, and, uh, and, uh, asked me -- "

DEAN: Uh huh.

PRESIDENT: Uh, make that, that before, that when the event first occurred, you conducted an investigation and passed to

the President the message: "No White House personnel, according to your investigation, was involved." You did do that, didn't you?

DEAN: I did that through Ehrlichman and Haldeman.

PRESIDENT: That's it. You did do that.

DEAN: If I'm under oath, now, I'm, I'm going to have to say I did that through Ehrlichman and Haldeman.

PRESIDENT: No. But I know you did that. I didn't see you.

DEAN: That's right.

PRESIDENT: Remember I didn't see you until after the election.

DEAN: That's right.

PRESIDENT: But you see -- all right. Now, but then you say, "And then, after the election, the President, when the McCord thing broke, called you in." I think that's when it was, wasn't it?

DEAN: No, uh --

PRESIDENT: After the McCord thing.

DEAN: No. It was before the McCord thing because you remember you told me after the Friday morning that McCord's letter --

PRESIDENT: Uh huh.

DEAN: He said, "He predicted this. This was going to happen."
Because I had, oh, in, in about the week, uh, or two weeks --

PRESIDENT: How did it -- Why did I get you in there? What, what
triggered me getting you in?

DEAN: Well, we just started, we just started talking about this
thing, and --

PRESIDENT: But I called you in, you and Moore together, didn't I?

DEAN: Well --

PRESIDENT: For a Dean Report.

DEAN: On, uh, on, uh, Wednesday morning --

PRESIDENT: Because, what was -- well, I know what was involved. What
was involved was the damned executive privilege and all that
crap.

DEAN: That's right. It was -- The Gray things were popping, but
on the,

PRESIDENT: Yeah.

DEAN: the Wednesday morning before I asked --

PRESIDENT: We had three conversations to my recollection.

DEAN: Oh, sir, I think we had more than that, but, of course,
we'd have, uh, we'd have a record of that through

PRESIDENT: Yeah.

DEAN: those people. I think we had more than that. But the, the one report where I finally -- I called Bob --

PRESIDENT: [Unintelligible] this office. Good.

DEAN: Yeah. I called Bob and I said, I said, "Bob", I said, "I don't think the President has all the facts."

PRESIDENT: That's right. And then you came and sat in this chair and that's the first time that I realized the thing.

DEAN: That's right.

PRESIDENT: And what -- And now the question is: "Well, Mr. Dean, why didn't you tell the President before?" And your answer there is --

DEAN: I didn't know. That is absolutely correct.

PRESIDENT: That's what you told me last time. You see, I don't want you, John, to be in a position, and frankly I don't want the President to be in a position where one of his trusted people had information that he did keep, kept from him. So I just want --

DEAN: I did not know.

PRESIDENT: Fine. You did not know. "How did you find out then?" they'll ask. Okay. But you -- that's your -- but you can handle that.

DEAN: That's right.

PRESIDENT: But I, but, but I did ask you and I think, I think you should say the President has authorized you to say this: "I won't reveal the conversation with the President, but he's -- and, uh, he asked me this question. I told him this, and he, uh, uh, that nobody in the White House was involved. And then, in addition to that, that I, I, uh, to the best of my ability kept, uh --" I guess -- or what do you think you ought to handle with the Presidential things?

DEAN: Well,

PRESIDENT: Maybe you better --

DEAN: I, I, I think, the less said about --

PRESIDENT: All right. Fine.

DEAN: I think that's privileged, and I think [unintelligible].

PRESIDENT: Except, except that if you do this --

DEAN: I think you say anything you want to say about it.

PRESIDENT: Right. But I have to say it. Well, let me tell you, I am going to handle that properly and I just want to be sure

that it, that it, it jibes with the facts. I can say that you did tell me that nobody in the White House was involved and I can say that you then came in, at your request, and said, "I think the President needs to hear more about this case."

DEAN: That's right.

PRESIDENT: And it was that time that I started my investigation.

DEAN: That's right.

PRESIDENT: Correct?

DEAN: That was the Wednesday before they were sentenced. Now, I can get that date, I don't have it off the top --

PRESIDENT: Would you do me this? Get your chronology of that Wednesday you came in and told me. That would be helpful for me to have.

DEAN: That's what I had in mind --

PRESIDENT: You see, I want to --

DEAN: [Unintelligible]

PRESIDENT: You see, I -- That's when I became interested. I was -- I became frankly interested in the case and I said, "Now

God damn it, I want to find out the score." And I set in motion Ehrlichman, Mitchell and a few of -- not Mitchell, but others. Okay.

DEAN: Sure.

PRESIDENT: One other thing. On the privilege thing, I think, uh -- Nothing, so that you could be sure, that, you know, nothing is privileged that involves wrongdoing

DEAN: That's correct.

PRESIDENT: on your part or wrongdoing on the part of anybody else. I, I, I'm telling you that now and I want you to s-- , when you testify, if you do, to say that the President has told you that. Would you do that?

DEAN: Yes, sir.

PRESIDENT: Would you agree with that?

DEAN: I do.

PRESIDENT: Fine. However, let me say that, uh, with regard to, with regard to what we call the electronic, uh, stuff they heard in what I have now have found is in the leak area, national security area, uh, that I consider privileged.

DEAN: I do too.

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PRESIDENT: And I think you should say, for example, on that -- But what I meant is, uh, uh, I would, uh. I think in, in the case of the, of the Kraft stuff, what the FBI did, they were both, I find -- I've checked it back -- there were some done, some done through, uh, private sources. Most of it was done through the Bureau after we got going.

DEAN: That's right.

PRESIDENT: Hoover didn't want to do, uh, to do Kraft. But what it involved, John, apparently was this: there were leaks in the NSC. They were in Kraft and other columns. We were trying to plug the leaks.

DEAN: Right.

PRESIDENT: And we had that, so we checked it out. Finally, we turned it over to Hoover. Then when the hullabaloo developed we didn't, we just stopped it altogether.

DEAN: I understand.

PRESIDENT: And that includes [unintelligible]. But in my, uh, view I consider that privileged.

DEAN: I have no intention of raising that in any --

PRESIDENT: Have you informed your lawyers about that?

DEAN: No.

PRESIDENT: I think you should not. Understand, not because of cutting anything, except that I do think it's privileged. But it's

up to, up to you, I mean, I --

DEAN: No. I think it is privileged, also.

PRESIDENT: Yeah. It's important to know, and this was necessary to use. We had Hoover do a little bit, and in control, as Lyndon Johnson [unintelligible] better. Uh, now, your, your guess as when -- well, I'll ask Petersen today -- when will you be called? Perhaps Tuesday, Wednesday, or --

DEAN: I would think sometime this week.

PRESIDENT: You don't think the thing is likely to break today, then, huh?

DEAN: No, I don't.

PRESIDENT: I wonder what Ziegler's got. He must have -- He seems, he seems to think that something's going to go. He hasn't been in to see me. I'll have to get him in later. But, uh, well, I'll have him make -- I'll ask Petersen.

DEAN: Uh huh.

PRESIDENT: Petersen. But don't you agree with me

DEAN: I don't think --

PRESIDENT: that the President should make the first announcement and not the Justice Department?

DEAN: Yes, I do.

PRESIDENT: [Unintelligible]

DEAN: [Unintelligible] on his own staff.

PRESIDENT: Uh?

DEAN: On his own staff.

PRESIDENT: Oh, hell, I'm going to make the announcement with regard to Magruder, too. God damn it, it's our campaign. I'm not going to have the Justice Department --

DEAN: Oh, I see what you mean.

PRESIDENT: We triggered this whole thing. You know what I mean?

DEAN: That's right.

PRESIDENT: Don't you agree?

DEAN: Well, if, if, if, if -- When the --

PRESIDENT: You helped trigger it.

DEAN: When history is written, you'll, and you put the pieces back together, you'll see why it happened. It's because I triggered it. I, I put everybody's feet to the fire because it just had to stop.

PRESIDENT: That's right. And you put --

DEAN: And I still continue to feel that, uh --

PRESIDENT: That's right. You put Magruder's feet to the fire.

DEAN: Yes, I did.

PRESIDENT: Where did you see Magruder? Uh --

DEAN: I didn't. I sent -- In fact, I refused to see him. That was one of the problems.

PRESIDENT: Oh. And that's why he --

DEAN: I started, I talked to him. I, I met with him in, in one of these outer offices out here at a meeting.

PRESIDENT: What got Magruder to talk?

DEAN: Uh --

PRESIDENT: I would like to take the credit.

DEAN: Because, because, well, uh, [laughs] he knew that --

PRESIDENT: I thought -- I was hoping that you had seen him, because, uh --

DEAN: There was -- Well, he was, he was told, he was told (1) that, you know, there was going to be no chance --

PRESIDENT: You remember, though, when you made the statement about, uh, just making a note here about drawing the wagons up around the White House. Uh, based uh, basically you thought the primary [unintelligible] -- this was talking about pre-

DEAN: Pre --

PRESIDENT: knowledge -- was all in the Committee. Right?

DEAN: That's right. Where it is.

PRESIDENT: That's right. But on Magruder, come again. What's the deal, deal there?

DEAN: Uh, the, uh, uh, situation there is that he and Mitchell were continuing to talk, continuing to talk about proceeding along the same course they'd been proceeding to, to lock in their story, but my story did not fit with their story. And I just told them I refused to change, to alter my testimony, other than, than to repeat it just as I knew it.

PRESIDENT: When?

DEAN: This had to do with a number of meetings in the Department of Justice.

PRESIDENT: Incidentally I heard this [unintelligible], but I, I remember. You told me this. Everybody tells me that you said, Dean said, "I will not go to the -- I am not going down there and lie," because you said you, your hand will shake and your emotion -- Remember you told me that?

DEAN: Yeah. No way I could. I'm incapable of it.

PRESIDENT: Fine. Thank God, John. Don't ever do it, John. I want you to tell the truth. That's the thing that you're going to -- I have told everybody around here, said, "God damn it, tell the truth." 'Cause all they do, John, is compound it.

DEAN: That's right.

PRESIDENT: That son-of-a-bitch Hiss would be free today if he hadn't lied about his espionage. He could have just said he -- he didn't even have to. He could've just said, "I -- look, I knew, Chambers. And, yes, as a young man I was involved with some Communist activities but I broke it off many years ago." And Chambers would have dropped it.

DEAN: Well --

PRESIDENT: But, the son-of-a-bitch lied, and he goes to jail for the lie rather than the crime.

DEAN: Uh --

PRESIDENT: So believe me, don't ever lie with these bastards.

DEAN: The, the truth always emerges.

PRESIDENT: We know that.

DEAN: It always does.

PRESIDENT: Also, there is a question of right and wrong, too.

DEAN: That's right.

PRESIDENT: What is right and what is wrong.

DEAN: That's right.

PRESIDENT: Perhaps there are gray areas, but you're right to, to get it out now.

DEAN: Uh --

PRESIDENT: I'm sure. On Liddy, I wanted to be sure that I, that you recall, on our conversation, I, uh -- You asked me to do something. I've left it with Petersen now. He said he'd handle it. Uh, that's the proper place --

DEAN: That's right.

PRESIDENT: You see, when Liddy says he can't talk unless he hears from higher authority -- I am not his higher authority.

DEAN: No.

PRESIDENT: It's Mitchell.

DEAN: Well, but I think he's looking for the ultimate --

PRESIDENT: What do you think he's thinking about?

DEAN: I think he's thinking about the President.

PRESIDENT: Clemency?

DEAN: He thinks -- he has the impression that you and Mitchell probably talk on the telephone daily about this.

PRESIDENT: You know we've never talked about it.

DEAN: I understand that.

PRESIDENT: I have never talked to Mitchell about this. Oh, except about when, whether we go, uh, the executive privilege thing.

DEAN: Right.

PRESIDENT: He came in and said, "Everybody should testify in executive session." Mitchell said that. Except you. Which I think would be -- Listen, I think, incidentally, about executive privilege --

DEAN: I think, I think, Mr. President, the Ervin hearings

PRESIDENT: The later --

DEAN: are going to fizzle.

PRESIDENT: What?

DEAN: I think when the, when, when Petersen finishes his --

PRESIDENT: You don't think we should hold to executive privilege anyway do you, John, now?

DEAN: To hold on executive privilege?

PRESIDENT: Yeah. What's your advice on that. What should I do?

DEAN: I think, I think if you, if, if there are indictments down there in that court room, none, none of the individuals should go up and testify. I think the Watergate is just going to be totally carved out of the Ervin hearings.

PRESIDENT: Yeah. That's the Watergate, right? Then the other stuff is not that important, Segretti and all that?

DEAN: Segretti, yeah.

PRESIDENT: Um huh.

DEAN: That stuff is not that important. They'll probably -- They can have a lot of fun with it, but it's not very meaningful.

PRESIDENT: So you think Liddy thought that I was calling Mitchell. [Unintelligible]. Good God Almighty. Well, we covered that last [unintelligible]

DEAN: That's right.

PRESIDENT: You were there.

DEAN: That's resolved. I think --

PRESIDENT: Is that enough?

DEAN: That's right. Petersen will tell you if it doesn't,
uh --

PRESIDENT: You tell me now if it isn't enough.

DEAN: No, I think it's enough.

PRESIDENT: I'm going to expect you to -- After all, you're still
the Counsel around here. [Laughter] No, but I'm serious.
You've got to advise me and that's the same with Haldeman
and Ehrlichman. As long as you are around here, we've
got to, we got to have it out.

DEAN: Well, I, I want, I want to lay one thing out.

PRESIDENT: Uh huh.

DEAN: I think there is a mythical belief, uh, I've not talked
to Bob or John about this -- that they don't have a
problem, Mr. President. And I'm, I'm really not sure
you're convinced they do. But I'm telling you, they do.

PRESIDENT: A problem?

DEAN: Yeah.

PRESIDENT: There's no question about it.

DEAN: No question.

PRESIDENT: They are --

DEAN: I just wanted --

PRESIDENT: Yeah. Petersen made the point. I said, "Tell me what the facts are." And he says, "The problem is, the problem here is that they're going to get splashed." And, he said, "When they get splashed, you've got a problem, Mr. President." Now, but then he goes on to say, as far as the legal form of it is concerned, and he covers all three of you here,

DEAN: Uh huh.

PRESIDENT: he said, "It's a very difficult case to prove." Do you agree with that?

DEAN: That's right.

PRESIDENT: You see, that's the point. And I would hope it works. I mean I'm speaking now in personal terms. I --

DEAN: It's a, it's a technical case and it's a tough case.

PRESIDENT: "It's a tough one to prove." What's he mean by that?

I --

DEAN: Apparently, my, my lawyer said, "Now, I've, I've, I've won cases on this, uh, uh, with tougher facts than you've got, I'll assure you."

PRESIDENT: Yeah.

DEAN: It would not, it would not be a --

PRESIDENT: See, that's their real vulnerability, together.

DEAN: It would be, uh --

PRESIDENT: Both Ehrlichman and Haldeman are in on the obstruction. And that's the point.

DEAN: That's right. I think it'd be a very good idea if they had counsel.

PRESIDENT: I told them, yeah, last night to get lawyers, so I'm one step ahead of you there. Now, do you -- is there anything else you think I should do? You don't think I should -- Shit, I'm not going to let the Justice Department break this case, John.

DEAN: I understand. You've got to break it. You are breaking it, in a sense.

PRESIDENT: Well, God damn it, that's what we've done.

DEAN: That's right.

PRESIDENT: I could have told you to go to Camp David and concoct a story, couldn't I?

DEAN: That's right.

PRESIDENT: And you've never heard that said, have you?

DEAN: No, sir.

PRESIDENT: In fact, I think I know [unintelligible]. But on the other hand, it was your job to tell me, wasn't it?

DEAN: Uh huh.

PRESIDENT: And you have. Basically what you've done -- No, you, you've told me the truth, though. You've told me the truth. It was your job to work for the White House, the President, the White House Staff, and they were not involved in the pre-thing. But then you thought about the post-thing. You thought about it and that's why you decided to -- You said, "Cut it out."

DEAN: That's why I think

PRESIDENT: Right.

DEAN: the cancer's growing because you

PRESIDENT: Right.

DEAN: t-, t-, t- to keep this whole thing in.

PRESIDENT: Look, one thing I want to be sure is in here, when you testify, I don't want you to be in a position, so, and I don't want the President to be in a position that his counsel did not level with him. See my point?

DEAN: No, sir, there's no point that I have not leveled with you, as you know.

PRESIDENT: No, what I meant is, when you say, "Well, now Mr. Dean," I am speaking now --

DEAN: They will, they will not ask [unintelligible]

PRESIDENT: [Unintelligible] Why didn't, why didn't you tell the President? Did you know about this? Why didn't you tell the President?"

DEAN: That's a PR situation, Mr. President. The U. S. Attorneys are not going to ask me question as

PRESIDENT: I see.

DEAN: to what I said to the President or what I didn't.

PRESIDENT: Will, I favor, I frankly think -- I would, I would hope you could help on the PR there by --

DEAN: Be expecting to help on it --

PRESIDENT: I would like for you to say, and you're free to talk about it. You're to say, "I, I told the President about this. I told the President first there was no involvement in the White House. Afterwards, I told the President that, uh, that I -- And the President said, 'Look, I want to get to the bottom of this thing, period.'" See what I'm driving at -- not just the White House. You continued your investigation, and so forth. The President went ahead, investigated in his own way, which I have done.

DEAN: Uh huh.

PRESIDENT: Believe me. I put a little pressure on

DEAN: Uh huh.

PRESIDENT: Magruder and a few of these clowns. And, uh, "As a result of the President's action, this thing has been broken."

DEAN: That's right.

PRESIDENT: Because also I put pressure on the Justice Department. I told Kleindienst, "God damn it, that -- "

DEAN: No, I think, I think you're in front right now and I, and, uh, you can rest assured everything I do will, will keep

you as far as --

PRESIDENT: No, I don't want that, understand? When I say, "Don't lie," don't lie about me either.

DEAN: No, I won't sir. You're -- I, I'm not going --

PRESIDENT: 'Cause I, I, I think I've done the right thing. But I want, I want you to do it. I want you to do, if, if you feel I've done the right thing, I want, I think the country is entitled to know it. Because we're talking about the Presidency here.

DEAN: This thing has changed so dramatically, the whole situation, since I gave you the picture --

PRESIDENT: Since you sat in that chair.

DEAN: In that chair over there, and gave you what I thought were the circumstances, the potential problems, and the like, you have done nothing but try to get to the bottom of this, this thing, and,

PRESIDENT: I think so.

DEAN: and, uh, uh --

PRESIDENT: Well, I said, "Write a report." But my purpose was to write a report, as I said, I want the Segretti matter, uh,

put the Segretti stuff in, put everything else in.

Whether the White House -- what was the White House involvement? You know. What do you say? How about one last thing: Colson. Uh, you don't think that they're going to get him into this, huh?

DEAN: I think, I think he has some technical problems -- post -- also. I don't know if he has any, if, uh -- to the best of my knowledge, he has no, had, had no advance knowledge of the thing.

PRESIDENT: Right. I suppose the key there is Hunt, you know, the -- He was so close to Hunt. I just want to know about it just for my own benefit. I, as I told you last night, I, I don't want, I don't want

DEAN: Chuck has,

PRESIDENT: to be in a position --

DEAN: Chuck has,

PRESIDENT: "What about Chuck Colson?" I want --

DEAN: Chuck has sworn up and down to me --

PRESIDENT: I'm going to say you, John Dean, was Colson involved?

DEAN: I have no information that he was at all.

PRESIDENT: Post?

DEAN: Technical problems.

PRESIDENT: Those two things you mentioned last night.

DEAN: That and, uh, let's face it, there's other technical problems, but, you know --

PRESIDENT: Hm. Yeah.

DEAN: It's, uh, it's, uh, all the obstruction is technical stuff that mounts up.

PRESIDENT: Yeah. Well, you take, for example, the clemency stuff. That's solely Mitchell, apparently, and Colson's talk with, uh, Bittman where he says, "I'll do everything I can because as a, as a friend -- "

DEAN: No, that was with Ehrlichman.

PRESIDENT: Huh?

DEAN: That was Ehrlichman.

PRESIDENT: Ehrlichman with who?

DEAN: Ehrlichman and Colson and I sat up there, and Colson presented his story to Ehrlichman

PRESIDENT: I know.

DEAN: regarding it and, and then John gave Chuck very clear instructions on going back and telling him that it, you know, "Give him the inference he's got clemency but don't give him any commitment."

PRESIDENT: No commitment?

DEAN: Right.

PRESIDENT: Now that's all right. But first, if an individual, if it's no commitment -- I've got a right to sit here -- Take a fellow like Hunt or, uh, or, or a Cuban whose wife is sick and something -- that's what clemency's about.

DEAN: That's right.

PRESIDENT: Correct?

DEAN: That's right.

PRESIDENT: But, uh, but John specifically said, "No commitment," did he? He --

DEAN: Yeah.

PRESIDENT: No commitment. Then, then Colson then went on to, apparently --

DEAN: I don't know how Colson delivered it, uh,

PRESIDENT: Apparently to Bittman --

DEAN: for --

PRESIDENT: Bittman. Is that your understanding?

DEAN: Yes, but I don't know what his, you know, specific --

PRESIDENT: Where did this business of the Christmas thing get out, John? What the hell was that?

DEAN: Well, that's, a, that's a --

PRESIDENT: That must have been Mitchell, huh?

DEAN: No, that was Chuck, again. I think that, uh --

PRESIDENT: That they all, that they'd all be out by Christmas?

DEAN: No, I think he said something to the effect that Christmas is the time that clemency generally occurs.

PRESIDENT: Oh, yeah.

DEAN: Uh --

PRESIDENT: Well, that doesn't -- I, I, I don't think that is going to hurt him.

DEAN: No.

PRESIDENT: Do you?

DEAN: No.

PRESIDENT: "Clemency," he says -- One [unintelligible] he's a friend of Hunt's. I'm just trying to put the best face on it. If it's the wrong -- if it is -- I've got to know.

DEAN: Well, one, one of the things I think you have to be very careful, and this is why Petersen will be very good, is, if you take a set of facts and let the prosecutors who have no -- they'll be making, making no PR judgments.

PRESIDENT: Yeah.

DEAN: But they'll give you the raw facts as they relate to the law, uh, and it's later you've got to decide, you know, what public face will be put on it. In other words, they'll -- If their --

PRESIDENT: Oh, I understand.

DEAN: It's going to come out in court, you know --

PRESIDENT: You can help on that, John.

DEAN: Yes sir.

PRESIDENT: You know that --

DEAN: Uh, wherever I may be, I'll be available to help on that.

PRESIDENT: Well, I hope you're right. You think you testify when?
Well, Petersen will decide that, I guess.

DEAN: Yeah.

PRESIDENT: Do you want me to say anything to him about it?

DEAN: No.

PRESIDENT: [Unintelligible] that [unintelligible] lawyers.

DEAN: Well, I think my lawyers and, and the U. S. Attorney's Office ought to continue to work in --

PRESIDENT: Yeah, I'm having him report to me daily now,

DEAN: Right.

PRESIDENT: which I judge that I should do. And, uh, so all that I'll say is, I'm going to tell him that we had a talk today and I went over again the various materials.

DEAN: What would be the best thing in the world is if they decide that they've got nothing but technical cases against people at the White House and they chuck them all out. That's, uh, not impossible.

PRESIDENT: Should I, should I help?

DEAN: No sir.

PRESIDENT: Hah, hah. That's what they ought to hear.

DEAN: That's right.

PRESIDENT: It'd be a tough case for them to prove, John.

DEAN: Well, they may decide not -- I did -- not do it and then nothing, none of these things are even released. It could very well happen.

PRESIDENT: Well, that's what I want. I mean, I -- Understand, the reason I have to have that is in case there's a break tonight. I don't want to have to call John Dean in and say, "Look, John, can I have it?" It looks like I was -- What the Christ am I doing. I, I've got to know because I do have some knowledge that there might be vulnerability. All that I am saying with this, as you know,

DEAN: [Clears throat]

PRESIDENT: is that I have heard things from the U. S. Attorney, and from John Dean, and from my own people that indicate there could be a technical violation, that there could be, there could be obstru -- Under the circumstances, I feel that it's my duty to have your resignation in hand. Of course, the President always has a resignation.

DEAN: Well, uh --

PRESIDENT: How does that sound to you?

DEAN: That's right. The, the thing is the phrasing in the letter, uh, is important.

PRESIDENT: All right.

DEAN: You don't cause anybody, you know, problems with a fair trial. So that's why I'd like to --

PRESIDENT: Good, John. Well, that's right. I mean, that's -- understand, those are my dictations. I just [unintelligible]

DEAN: I understand.

PRESIDENT: Only it's, only it's a form for you. And you, you work it out and work it out so that it would be one that could apply to you and then work out the -- and to, uh, Ehrlichman, Haldeman, anybody else.

DEAN: Um huh.

PRESIDENT: Just a form that I can give anybody. Strachan -- No, he's not going.

DEAN: Yes, he's gone. USIA.

PRESIDENT: Well, that doesn't come to me does it?

DEAN: Well, the whole Executive Branch, is, huh --

PRESIDENT: No, well, no, I mean,

DEAN: No, it wouldn't come --

PRESIDENT: his resignation can be submitted to Keogh.

DEAN: That's right, Keogh.

PRESIDENT: Well, I'll get his resignation. And I'll tell -- I don't mean about -- I'll tell those guys that he, uh --

60.3 TRANSCRIPT OF APRIL 16, 1973 MEETING

DEAN: I would have -- I don't think you ought to tell Strachan. I think --

PRESIDENT: No, no, no, no, no, no, no. Tell Keogh he ought to ask for the resignation.

DEAN: I think Bob ought to do that, though.

PRESIDENT: Bob Haldeman?

DEAN: Uh huh.

PRESIDENT: Good. I'll tell him; I'll tell Bob then to get them. That'll, that'll be Strachan and, uh, Magruder coming up. That'll be it.

DEAN: All right, sir.

PRESIDENT: All right. That's your, your advice. Oh, also if you do have any random thoughts on, uh, how many more we could do on the presentation of this thing, sit over in your office and think of it, I mean, as to how to handle the --

DEAN: Well, I want you to --

PRESIDENT: So that the President is in front, you know what I mean.

DEAN: I want, I want, I want to give you some, some notes on that, that I think will help.

PRESIDENT: Would you do that?

DEAN: Yes sir. I will.

PRESIDENT: The record. Here's what I've done. Here's what I've done, and what you think the President ought to do and when -- you see what I mean? And then, if we have to use these things -- I pray to God we don't, 'cause you guys don't deserve it. You don't deserve it.

DEAN: Well, at least, the important thing is that it's not them, it's you.

PRESIDENT: No, well, I know, maybe it isn't me personally, it's this place.

DEAN: Well, it's the Office, and, uh, the campaign office as well.

PRESIDENT: All right. Remember, be back.

DEAN: All right, sir.

PRESIDENT: I would, uh, I'd just, just, just hang tightly.

DEAN: I couldn't, I couldn't be,

PRESIDENT: Hang tightly.

DEAN: I couldn't be more objective, Mr. President. And, you

know, I just have -- don't think I've lost my objectivity in this thing at all.

PRESIDENT: What?

DEAN: I said, don't think I've lost my objectivity at all in this,

PRESIDENT: Right.

DEAN: even though I'm right at the peak on it. All right, sir.

PRESIDENT: Good enough.

61. On April 16, 1973 from 10:50 to 11:04 a.m. the President, H. R. Haldeman and John Ehrlichman met. The President reported on his meeting with Dean. There was a discussion of a "scenario" of events after the President became aware that there were some discrepancies between what he had been told by Dean in the report that there was nobody in the White House involved.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
61.1 President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1204
61.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman and John Ehrlichman, April 16, 1973, 10:50 - 11:04 a.m.....	1207

61.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 16, 1973 TIME DAY 12:08 a.m. MONDAY
PLACE DAY BEGAN THE WHITE HOUSE WASHINGTON, D.C.		GOVERNMENT EXHIBIT 21		
TIME		PHONE P Placed R Received	ACTIVITY	
In	Out	Lo	LD	
12:08	12:23	P		The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P		The President talked with his Assistant, John D. Ehrlichman.
8:26		P		The President talked with his Special Assistant, Stephen B. Bull.
8:27		P		The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29				The President went to the first floor private dining room.
8:29	9:24			The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24				The President went to the Oval Office.
9:50	9:59			The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40			The President met with his Counsel, John W. Dean III.
10:50	11:04			The President met with: Mr. Haldeman Mr. Ehrlichman
11:04				The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11			The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
				The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
				The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine
				The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see <u>APPENDIX "A."</u>

Source: Nixon # 7-73 In re Grand Jury Proceedings 1204

**61.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73**

PLACE DAY BEGAN		PHONE		ACTIVITY
In	Out	P Placed	R Received	
THE WHITE HOUSE WASHINGTON, D.C.				DATE (Mo., Do., Yr.) APRIL 16, 1973 TIME DAY 11:11 p.m. MONDAY
11:48	11:55			The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see <u>APPENDIX "B."</u> Members of the press, in/out White House photographer, in/out
11:57				The President returned to his limousine. He was accompanied by: Secretary Brennan Mr. Georgine White House photographer, in/out
12:00	12:31			The President motored from the Washington Hilton Hotel to the South Grounds of the White House.
12:31	12:39			The President returned to the Oval Office.
12:40	12:57			The President met with Mr. Haldeman.
12:58	1:37			The President met with: Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA) Robert Hitchins, General Manager of AA General Service Office Tom Pike, member of the National Advisory Council on Alcoholism Caspar W. Weinberger, Secretary of HEW James H. Cavanaugh, Staff Assistant White House photographer, in/out The President received the one millionth copy of the "Alcoholics Anonymous" book.
1:38				The President met with: Roy D. Hickman, President of Rotary International W. Richard Howard, Special Assistant White House photographer, in/out Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.
1:39	3:25			The President met with his Press Secretary, Ronald L. Ziegler.
2:25	2:52			The President went to his office in the EOB.
				The President met with: Henry E. Petersen, Assistant Attorney General Mr. Ziegler

(1205)

61.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Part for Travel Activity)			
PLACE DAY BEGAN			DATE (Mo., Day, Yr.)
THE WHITE HOUSE WASHINGTON, D.C.			APRIL 16, 1973
			TIME DAY
			2:19 P.M. MONDAY
TIME		PHONE P Placed R Received	ACTIVITY
In	Out	Lo ID	
2:19		P	The President requested that Mr. Ziegler join him.
3:25	3:26	P	The President talked with Mr. Ziegler.
3:27	4:02		The President met with: Mr. Ehrlichman
3:35	4:04		Mr. Ziegler
4:04	4:05	P	The President talked with his Counsel, John W. Dean III.
4:05	4:06		The President met with Mr. Bull.
4:07	4:35		The President met with Mr. Dean.
4:42	4:43	P	The President talked with his daughter, Julie.
4:55	6:01		The President met with: William P. Rogers, Secretary of State
5:45	6:01		Mr. Ziegler
6:01			The President and Secretary Rogers went to West Executive Avenue.
6:01	6:10		The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:15	8:28		The President went boating on the <u>Sequoia</u> with Secretary Rogers.
7:20			The President and Secretary Rogers had dinner on board.
8:28			The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:32	8:41		The President motored from the Washington Navy Yard to the South Grounds of the White House.
8:42			The President returned to his office in the EOB.
8:45		P	The President telephoned Mr. Ehrlichman. The call was not completed.
8:58	9:14	P	The President talked with Mr. Petersen.
9:24			The President returned to the second floor Residence.
9:27	9:49	R	The President talked with Mr. Ehrlichman.
			CD/SM/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 16, 1973, 10:50 a.m. to 11:04 a.m.

On April 16, 1973 the President met with H. R. Haldeman and John Ehrlichman in the Oval Office from 10:50 to 11:04 a.m. Haldeman began the discussion by saying, "The scenario worked out pretty well." The President said to Ehrlichman, "[T]his is quite the operator." He said that they (presumably the President and Dean) first talked about the work Dean had done before this began, that he told Dean that it was national security work, and that Dean said he considered it so. The President said he asked Dean if he had told anybody about it. The President stated that Dean said he had not and that he didn't intend to say anything more than he needed to say in answering questions with regard to this matter, or comment on any conversation he had had with the President. The President said, "So far as he is concerned, that operation will not be discussed. Of course, the problem I suppose is as far as others are concerned or were involved." If they did, the President said to Ehrlichman, "I would play it straight out. Damn it, of course, we do this." (p. 1)

Ehrlichman said he had been thinking about it and that if he ever got a question like that at the Grand Jury, he would tell the U.S. Attorney that it was under executive privilege, that since it was a national security matter he could not answer, that he would refer it to the President for his decision as to whether he should answer, but that he was in no position to respond. Ehrlichman said

that if the matter were referred to the judge he would tell him that the procedure is to refer the question to the President for his personal review, and that he would ask for an opportunity for that to be done. The President said, "I can see you being asked the question," and Ehrlichman said that he thought that was right, but that was the process he would have to follow. (pp. 1-2)

The President said that he told Dean he would like to have that letter and Dean asked, "What about Haldeman and Ehrlichman?" The President said he told Dean they had already told the President they would resign, but that naturally nobody was going to resign until the President got better information and satisfied himself with Petersen. The President said Dean then asked if he could prepare the letters so that in the event he had to go to trial they wouldn't prejudice him, and the President said he told him to prepare what he thought his letter of resignation should be. The President reiterated that he told Dean that he had Haldeman and Ehrlichman's letters of resignation in hand anytime he needed them. Ehrlichman said, "That's fine." (p. 3)

Haldeman asked if Dean gave the President any indication how he was going to plead. The President replied that Dean said his lawyers had to work that out, but that his lawyers thought his possible criminal liability was limited and hard to prove. The President said Dean's lawyers had told Dean that the Justice

Department could well come out without any indictments against anyone on the White House staff. (pp. 3-4)

The President said he asked about Colson, and Dean said there were three areas. The President said he mentioned Bittman, and the call to Hunt. Haldeman said, "The call to Magruder." The President replied, "Oh yes. Call to Magruder, but that's previous." The President said he "hit him hard" and asked whether the report on the call was true, and Dean said yes. (p. 4)

Haldeman asked whether the government thought it was a hard case to prove, too. The President said, "As I told you today, Petersen said that the legal end is just terribly difficult." Haldeman said, "It is our moral thing and the pressure. Basically it is a PR job." The President said they had to decide this, and decide it in terms of many things. He said, "But, I, at least, felt a little better about it than I did last night." (pp. 4-5)

The President asked Haldeman when the President was to see Rogers. He also asked how the scenario had worked out. Haldeman reported that it worked out very good. He began the scenario, saying, "You became aware sometime ago that this thing did not parse out the way it was supposed to and that there were some discrepancies between what you had been told by Dean in the report that there was nobody in the White House involved, which may still be true." The President said, "Incidentally, I don't think it will gain us anything by dumping on the Dean Report as such." (pp. 5-6)

Ehrlichman raised a point made by Ziegler that when Dean returned from Camp David and said he could not write a report, that was the tip off and the President started to move. (p. 6)

The President asked, "How do I get credit for getting Magruder to the stand?" Ehrlichman replied, "Well it is very simple." Ehrlichman stated how Dean was replaced by Ehrlichman as the President's investigator. The President asked, "Why did I take Dean off? Because he was involved? I did it, really, because he was involved with Gray." Haldeman said, "[T]he scenario is that he [Dean] couldn't write a report so obviously you had to take him off." The President agreed, "Right, right." Ehrlichman continued by telling the President how he had talked to several witnesses and how he kept feeding information to the President until the President saw the dimensions of this thing. Haldeman told the President "You brought Len Garment in." Ehrlichman said, "You began to move." (pp. 6-7)

Ehrlichman said that the President decided to have Mitchell, Strachan and Magruder brought in. The President asked if he should say we brought them all in and Ehrlichman said "I don't think you can." Ehrlichman and Haldeman replied that they should not be named. Ehrlichman said, "But you should say, 'I heard enough that I was satisfied that it was time to precipitously move. I called the Attorney General over. . . .'"

Haldeman and Ehrlichman discussed the timing of calls to the Attorney General and knowledge about Magruder's willingness to talk. Haldeman said Magruder was still agonizing over what he would do. Haldeman said that "the reason for the hurry up in the timing was that we learned that Hunt was going to testify on Monday afternoon." (pp. 8-9)

They discussed at what time Ehrlichman talked to Kleindienst. The President said, "But my point is when did we decide to talk to Kleindienst? Before Magruder?" Ehrlichman replied, "Oh, yes. Remember, early in the morning I said I will see these two fellows but I've got to turn this over to the Attorney General." The President asked which two fellows he was going to see, and Ehrlichman said Mitchell and Magruder. He said he tried to reach the Attorney General all day to give his report. The President asked whether he should release the report. Ehrlichman said that the report was seven or eight pages plus the notes of interviews. (p. 10)

Haldeman said that then Magruder came over and others were called in. Haldeman said then the President met with the Attorney General, the Prosecutor and the Head of the Criminal Division on Sunday. The President said he had met Kleindienst on Sunday at 1:00 p.m., and then at 4:00 p.m. and then met with Dean, Ehrlichman and Haldeman and that he had three telephone conversations with Henry Petersen that night. (pp. 10-11)

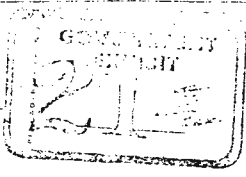
62. On April 16, 1973 from 12:00 to 12:31 p.m. the President met with H. R. Haldeman. There was a discussion of what Haldeman might state publicly about his involvement in the transfer of cash from the White House to CRP.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

Page

62.1	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1214
62.2	House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and H.R. Haldeman, April 16, 1973, 12:00 - 12:31 p.m.....	1217

62.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mon, Day, Yr.) APRIL 16, 1973 TIME DAY 12:08 a.m. MONDAY
PLACE DAY BEGAN		PHONE P Placed R Received		
In	Out	Lo	ID	
12:08	12:23	P		The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P		The President talked with his Assistant, John D. Ehrlichman.
8:26		P		The President talked with his Special Assistant, Stephen B. Bull.
8:27		P		The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29				The President went to the first floor private dining room.
8:29	9:24			The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24				The President went to the Oval Office.
9:50	9:59			The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40			The President met with his Counsel, John W. Dean III.
10:50	11:04			The President met with: Mr. Haldeman Mr. Ehrlichman
11:04				The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11			The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
				The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
				The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine
				The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see <u>APPENDIX "A."</u>

James Earl Ray

62.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE: APRIL 16, 1973

TIME: 11:11 a.m. DAY: MONDAY

TIME		PHONE P. Placed R. Received		ACTIVITY
In	Out	In	Out	
				The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see <u>APPENDIX "B."</u> Members of the press, in/out White House photographer, in/out
				The President returned to his limousine. He was accompanied by: Secretary Brennan Mr. Georgine White House photographer, in/out
11:48	11:55			The President motored from the Washington Hilton Hotel to the South Grounds of the White House.
11:57				The President returned to the Oval Office.
12:00	12:31			The President met with Mr. Haldeman.
12:31	12:39			The President met with: Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA) Robert Hitchins, General Manager of AA General Service Office Tom Pike, member of the National Advisory Council on Alcoholism Caspar W. Weinberger, Secretary of HEW James H. Cavanaugh, Staff Assistant White House photographer, in/out The President received the one millionth copy of the "Alcoholics Anonymous" book.
12:40	12:57			The President met with: Roy D. Hickman, President of Rotary International W. Richard Howard, Special Assistant White House photographer, in/out Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.
12:58	1:37			The President met with his Press Secretary, Ronald L. Ziegler.
1:38				The President went to his office in the EOB.
1:39	3:25			The President met with: Henry H. Petersen, Assistant Attorney General Mr. Ziegler
2:25	2:52			

62.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

PRESIDENT NIXON'S DAILY DIARY

(By David P. ...)

PLACE DATE BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE: APRIL 16, 1973
TIME: 2:10 P.M.
DAY: MONDAY

TIME		PHONE		ACTIVITY
In	Out	P Placed	R Received	
2:19		P		The President requested that Mr. Ziegler join him.
3:25	3:26	P		The President talked with Mr. Ziegler.
3:27	4:02			The President met with: Mr. Ehrlichman
3:35	4:04			Mr. Ziegler
4:04	4:05	P		The President talked with his Counsel, John W. Dean III.
4:05	4:06			The President met with Mr. Bull.
4:07	4:35			The President met with Mr. Dean.
4:42	4:43	P		The President talked with his daughter, Julie.
4:55	6:01			The President met with: William P. Rogers, Secretary of State
5:45	6:01			Mr. Ziegler
6:01				The President and Secretary Rogers went to West Executive Avenue.
6:01	6:10			The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:15	8:28			The President went boating on the <u>Sequoia</u> with Secretary Rogers.
7:20				The President and Secretary Rogers had dinner on board.
8:28				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:32	8:41			The President motored from the Washington Navy Yard to the South Grounds of the White House.
8:42				The President returned to his office in the EOB.
8:45		P		The President telephoned Mr. Ehrlichman. The call was not completed.
8:58	9:14	P		The President talked with Mr. Petersen.
9:24				The President returned to the second floor Residence.
9:27	9:49	R		The President talked with Mr. Ehrlichman.
END OF DAY				

SUMMARY OF EDITED WHITE HOUSE TRANSCRIPT

April 16, 1973, 12:00 to 12:31 p.m.

The President met with H.R. Haldeman in the Oval Office on April 16, 1973, from 12:00 to 12:31 p.m. The transcript is prefaced with the notation "Material unrelated to Presidential actions deleted."

The President said, "Now we got a plan on how we stage this damn thing in the first stages. Ron's got it all worked out. We've gone over, and then he's got the use of this Advisory Group and --." The President asked, "What does this amount to Bob?" Haldeman discussed the "invariables" of the President acting before or after the Magruder story came out. Haldeman said the President must establish his position and what he has done, "and the scenario works pretty well on that." Haldeman presented a "scenario" from which the President could "run your backgrounder, tell your story." Haldeman said that when the case broke the President could say he got in to this and this was what he had done. He said it had led, as they fully expected it would, to the next major step. Haldeman said that Petersen could then disclose that Magruder had given the prosecutors a full report of what transpired and that allegations against others were being pursued, but that he would not discuss the matter further because of the potential danger of jeopardizing the rights of others. (pp. 1-2)

Haldeman informed the President of Garment's belief that "you are in possession of knowledge that you cannot be in possession of without acting on." Haldeman said Garment's recommendation was that the President should cut cleanly by removing Haldeman and probably Ehrlichman. Haldeman said Garment proposed

that Haldeman put out the details about the \$350,000 fund, and its transfer. Haldeman said he could say that he acted at all times at the instigation of and through John Dean, and Dean never told Haldeman that his activity was improper or illegal. (pp. 2-4)

The President expressed concern whether Dean gets off and gets on "other things." The President said, "I don't want him -- he is in possession of knowledge about things that happened before this. I told him that was all [n]ational [s]ecurity." (p. 4)

Haldeman referred to Garment's case that "we have to look at this in terms of the President and the Presidency." Haldeman said that Ehrlichman and Ziegler thought the President should not see Garment; just relay a message that the President is "moving and what he wants done is in the process of being done." (p. 4)

Haldeman said he could be the first to resign and tell his story publicly. "Not to the jury, but do it publicly in some fashion and tell the whole story, all the details." Haldeman said Garment thought that he "can bring something like that off," but Garment didn't think that Ehrlichman could. ". . . therefore you've got to cover up and try to hold Ehrlichman in but if you get a problem you will just have to let him go." The President responded that he did not know what there was on Ehrlichman. The President said he thought that "Dean, frankly, is more inclined to give Ehrlichman a screwing than anybody else." Haldeman said that if Colson got hung up anywhere, he would "go on Ehrlichman" and not Haldeman, "because I didn't work with him on any of that stuff. John did." (pp. 5-6)

After discussing the source and nature of Garment's information, Haldeman returned to the potential problems of the transfer of the \$350,000 to CRP. Haldeman said that it would be a hard case for anyone to believe that the funds were not to keep the defendants quiet. The President inquired about the analysis of the proposed Haldeman scenario. Haldeman said that Ziegler admitted being biased, but that he was opposed to the idea. (pp. 7-8)

They discussed Rogers' meeting with the President that afternoon. Haldeman said Rogers did not know all the facts. The President asked Haldeman to give Rogers the facts "cold turkey," and "point out that it is my view, and others, that this is a damn arguable, damn hard, case." (p. 8)

The President asked if Garment knew "about Magruder and the rest." Haldeman answered that Garment had the same information that Ehrlichman did. The President said that he thought he knew everything Garment would tell him. Haldeman said, "Oh, yeah," and the President continued, "[H]ell you know, we talked about this a week ago. You know how you handle it." The President asked if Ziegler thought, leaving out the PR, that they "should try to tough it through? I am going to ask Rogers that, frankly." Haldeman replied that Ziegler would say "wait and see," and that Haldeman would be tarnished. Haldeman said he did not believe it, but he would say that he was "tarnished to the point where I can't be useful," if the President so desired. (pp. 9-10)

They discussed when and whether the President should see Garment. The President said that Ziegler should have Garment write out his thoughts. The President asked if Kissinger had been filled in. Haldeman said that Garment had met with Haig and Kissinger. The President responded, ". . . [W]hat the hell did they do that for?" Haldeman said, "On the basis that he thought there was a real

danger and threat to the Presidency and that --." The President replied, "Maybe I don't want a memo from him first. . . . Maybe he just better do it orally." Haldeman said a memo might cause problems because the secretaries would have to write it up. (pp. 10-12)

Haldeman expressed hope that Rogers could "stay cool and sort of above it." The President interjected, "All the concerned people. If we could get a feel. I just have a horrible feeling we may react." They discussed the possibility that they were over-dramatizing the situation. The President said he wanted Garment in on the legal side, but he did not want to have him reacting to the problems of each day. The President asked, "Am I right that we have got to do something to restore the credibility of the Presidency." Haldeman replied, "Of course you know the credibility gap in the old days. Len is the panic button type. If we had reacted in Garment's way in other things, we wouldn't be where we are. That doesn't mean he isn't right this time, incidentally." The President said that Haldeman and also Ehrlichman, "because he has made a study," should meet with Rogers. (pp. 12-14)

Haldeman said that Ehrlichman told him that he should not do anything without his lawyers. The President agreed. The President said Petersen had advised him that Ehrlichman and Haldeman soon would be called before the Grand Jury. "Under the circumstances," the President said, "I could not advise you with my limited knowledge of the law. I could not advise anybody to make a statement Because, basically, when you get in there they are going to question you on your damn statement." Haldeman said that whatever he said in his public statement would be exactly what he said in the grand jury. The President said, "[N]evertheless, I wouldn't give them that opportunity." (pp. 14-15)

The conversation closed with a discussion of Garment's suggestion that the President needed to make a bold, dramatic move, and Kissinger's proposal that the President go on television. The President said that Watergate was "not that big" in the country, "just a little bit in the evening news." It would be a big story for a couple or three weeks, he said. Haldeman agreed, and the President concluded, "But it is not going to be at the moment. We are going to have one hell of a time." (p. 15)

63. On April 16, 1973 from 1:39 to 3:25 p.m. the President met with Henry Petersen. Ronald Ziegler was also present from 2:25 to 2:52 p.m. During this meeting Petersen gave the President a report on the investigation and a written memorandum summarizing the prosecutors' evidence as of that time implicating Haldeman and Ehrlichman. There was discussion of whether the President should ask Haldeman and Ehrlichman to resign.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
63.1 Henry Petersen testimony, 9 SSC 3634.....	1224
63.2 Memorandum from Henry Petersen to the President, April 16, 1973, SSC Exhibit No. 147, 9 SSC 3875-76..	1225
63.3 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 21-22 (received from Watergate Grand Jury).....	1227
63.4 President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1229
63.5 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and Henry Petersen, April 16, 1973, 1:39-3:25 p.m.....	1232

Mr. PETERSEN. The President asked me to reduce to writing what I said to him about those two, Haldeman and Ehrlichman, and I did that and gave it to him on April 16.

Mr. THOMPSON. And that is the same thing that you have before you right now?

Mr. PETERSEN. Yes, sir.

Mr. THOMPSON. Would there be an objection to making that a part of our record?

Mr. PETERSEN. No, sir.

Mr. THOMPSON. If we could at a subsequent time make a copy of that, unless you have an extra copy.

Mr. PETERSEN. I do not know whether I have an extra copy, Mr. Thompson, but I will be happy to give this to you and you give me a copy back. That will satisfy me.

Mr. THOMPSON. Would that be agreeable with the chairman?

Senator ERVIN. All right. Let the record show the notes identified by Mr. Petersen will be appropriately marked as exhibits and admitted into the record as such.

[The document referred to was marked exhibit No. 147.*]

Mr. THOMPSON. All right, Mr. Petersen. So essentially, to go into a little bit more detail—you have touched on this—one White House member, Mr. Dean, was telling some very significant and dire things about two other White House members, Mr. Haldeman and Mr. Ehrlichman. What was the President's reaction to this situation? Did he express a particular belief or disbelief in any version or any individual or how did he evaluate the posture of those?

Mr. PETERSEN. I think it is fair to say he was kind of upset about Dean. He said that when he first learned about this that there were more problems in store for him than he had anticipated on March 21 and he had asked John Dean to reduce these to writing and sent him up to Camp David to do so and apparently Dean was unable to reduce them to writing and the President commented, I suppose because of his involvement, and he was concerned that perhaps Dean was trying to lighten the load on himself by impeaching Haldeman and Ehrlichman and the question in the forefront of his mind was the validity of the Dean information. That was the importance of Magruder's information and the possibility of Strachan coming through as a corroborating witness.

Mr. THOMPSON. Did he say precisely what Dean had told him on March 21?

Mr. PETERSEN. No, sir; he did not.

Indeed, he said that he told Dean to go up and write a report and he never got such a report and Dean was unable to write it.

Mr. THOMPSON. How did you phrase it a moment ago? What did he say about the 21st?

Mr. PETERSEN. He had first learned that—the words are mine, not the President's. He first learned that there were more significant problems than he had anticipated on March 21.

Mr. THOMPSON. Did he indicate that on March 21 he had learned what you were telling him?

Mr. PETERSEN. No, sir; he did not. What he did suggest was that after Dean had failed to provide him this report, he had told Ehrlich-

*See p. 3875.

3875

EXHIBIT NO. 147

April 16, 1973

John Ehrlichman

We have no other information as of this time except the following items:

1. That Ehrlichman in the period immediately following the breakin told John Dean to "deep six" certain information recovered by Dean from Hunt's office.

2. That Ehrlichman through Dean informed Liddy that Hunt should leave the country. Hunt corroborates this in that he testified before the grand jury that Liddy told him that his, Liddy's, principals, wanted Hunt out of the country. Hunt states that as he was preparing to leave, he was called again by Liddy and informed by Liddy that Liddy's principals had countermanded the order. Hunt further states that notwithstanding he then departed for California.

With respect to Item One you will recall that I told you that Dean had on one occasion indicated to me that he had given certain non-Watergate information recovered from Hunt's office to Pat Gray personally. Sometime during the middle of March, I had occasion to consider this matter and I asked Pat Gray. Gray told me on that occasion that he had received no information from John Dean other than that which was given to the agents.

Today I again raised the matter with Pat Gray and told him specifically what Dean had stated to the prosecutors who are debriefing him. Gray emphatically denied that he had ever received any information from Hunt's office from John Dean. Gray states that all the information and records recovered from Hunt's office were received by agents of the FBI in the normal course of business.

Bob Haldeman

With respect to Bob Haldeman's alleged involvement in the Watergate Dean states that in December of 71 or early parts of January 1972 there were a series of meetings, three in number, with John Mitchell which took place in Mitchell's office.



3876

- 2 -

Present were Liddy, Magruder, Dean and Mitchell. At each of these meetings the Liddy operation was discussed. The purpose being to obtain information about Democratic presidential contenders. On the first two occasions Mitchell refused to authorize the budget proposals. The first being \$1,000,000 and the second \$500,000. On the third occasion Mitchell approved the reduced budget of \$300,000. The operation was described as "gemstone." Magruder says the budget information was given to Strachan. Magruder also says that information given to Strachan was for delivery to Haldeman. Magruder is not in a position to say that Strachan actually delivered the information.

Dean states that after the second meeting with Mitchell, Liddy and Magruder, he returned to the White House and relayed to Bob Haldeman the nature of the proposals being discussed and stated that we ought not to have any part of them. Dean states Haldeman agreed but apparently no one issued any instructions that this surveillance program was to be discontinued.

Magruder further states that he caused to be delivered to Strachan for transmittal to Haldeman a summary of the intercepted conversation. Again Magruder is not in a position to say that Strachan actually delivered the information to Haldeman. Magruder does say that the nature of the information was such that it was clear that it emanated from intercepted telephone conversations.

Strachan

Strachan appeared at the U. S. Attorney's office was informed of his rights and ~~advised~~ was questioned by the prosecutors concerning the Haldeman allegation. Despite considerable fencing Strachan refused to discuss the matter and he was excused by the prosecutors with instructions to obtain legal counsel and return this afternoon.

DV

21

1 Q I take it you never did have a substantive discus-
2 sion about what it was Hunt could reveal?

3 A No.

4 Q Did there come a time when the President requested
5 that you put in writing the substance of the investigation
6 up to any particular point?

7 A Well, there were two occasions. First, on April
8 15th, after we gave him the oral statement, he asked me to
9 put that in writing so that he would be certain of it. That,
10 I did. That very brief statement has previously been made
11 available to you.

12 At or about that time, maybe later in the week,
13 he asked for a full exposition. Having got into it this far,
14 he felt he needed all the information, and I said I would
15 undertake to to try to do that.

16 I did go through the information out it was deter-
17 mined that anything above and beyond that which I'd already
18 given him was Grand Jury matter and, therefore, was not to
19 be divulged.

20 On that score, I should say that that came up, as
21 I recall, in the April 15th meeting, if I'm not mistaken.
22 It was the President -- in the course of the President asking
23 to be kept informed of these things, that he pointed out
24 that he didn't expect to get Grand Jury information and we,
25 of course, agreed to that. Which I thought was fortunate

DV

DV

22

1 because I'm not all certain that as President he's not en-
2 titled to Grand Jury information from Government attorneys,
3 if it's distributed in the course of their duties.

4 Q In any event, I take it you got back to the Presi-
5 dent and told him that you could not provide him a more de-
6 tailed report?

7 A That's correct, I did, and he accepted that. There
8 was no discussion, argument, rancour, indignation, anything
9 else -- and I gave him that "no" with some trepidation, I
10 don't mind saying.

11 Q Now, aside from a detailed written report, did you
12 provide all information to him, from time to time, about the
13 progress of the investigation or the possibility of --

14 A From time to time, but it was very general, in the
15 two weeks. For example, when he called about the immunity
16 thing, he said, "Well, what else is new?" And I told him
17 about the John Dean statement with respect to the Fielding
18 break-in.

19 On another occasion, I told him about the conflict
20 between Strachan and Magruder and we were trying to resolve
21 it and, if Strachan developed into a witness, then we would
22 have a prima facie case against Haldeman.

23 But it was in the context of what I describe as
24 ultimate rather than evidentiary fact.

25 Q Was there some discussion about the scheduling of

DV

PLACE DAY BEGAN		PHONE		ACTIVITY
In	Out	P - Placed	R - Received	
12:08	12:23	P		The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P		The President talked with his Assistant, John D. Ehrlichman.
8:26		P		The President talked with his Special Assistant, Stephen B. Bull.
8:27		P		The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29				The President went to the first floor private dining room.
8:29	9:24			The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24				The President went to the Oval Office.
9:50	9:59			The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40			The President met with his Counsel, John W. Dean III.
10:50	11:04			The President met with: Mr. Haldeman Mr. Ehrlichman
11:04				The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11			The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
				The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
				The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine
				The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see <u>APPENDIX "A."</u>

Source: Nixon #47-73 In re Grand Jury Proceedings 1229

63.4 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 16, 1973

TIME DAY

11:11 p.m. MONDAY

TIME		PHONE P. Placed R. Received		ACTIVITY
In	Out	In	Out	
				<p>The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see APPENDIX "B."</p> <p>Members of the press, in/out</p> <p>White House photographer, in/out</p> <p>The President returned to his limousine. He was accompanied by: Secretary Brennan Mr. Georgine White House photographer, in/out</p>
11:48	11:55			The President motored from the Washington Hilton Hotel to the South Grounds of the White House.
11:57				The President returned to the Oval Office.
12:00	12:31			The President met with Mr. Haldeman.
12:31	12:39			<p>The President met with:</p> <p>Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA)</p> <p>Robert Hitchins, General Manager of AA General Service Office</p> <p>Tom Pike, member of the National Advisory Council on Alcoholism</p> <p>Caspar W. Weinberger, Secretary of HEW</p> <p>James H. Cavanaugh, Staff Assistant</p> <p>White House photographer, in/out</p> <p>The President received the one millionth copy of the "Alcoholics Anonymous" book.</p>
12:40	12:57			<p>The President met with:</p> <p>Roy D. Hickman, President of Rotary International</p> <p>W. Richard Howard, Special Assistant</p> <p>White House photographer, in/out</p> <p>Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.</p>
12:58	1:37			The President met with his Press Secretary, Ronald L. Ziegler.
1:38				The President went to his office in the EOB.
1:39	3:25			<p>The President met with:</p> <p>Henry E. Petersen, Assistant Attorney General</p> <p>Mr. Ziegler</p>
2:25	2:52			

HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 16, 1973

TIME DAY

2:19 P.M. MONDAY

TIME		PHONE		ACTIVITY
In	Out	P - Placed	R - Received	
2:19		P		The President requested that Mr. Ziegler join him.
3:25	3:26	P		The President talked with Mr. Ziegler.
3:27	4:02			The President met with:
3:35	4:04			Mr. Ehrlichman
				Mr. Ziegler
4:04	4:05	P		The President talked with his Counsel, John W. Dean III.
4:05	4:06			The President met with Mr. Bull.
4:07	4:35			The President met with Mr. Dean.
4:42	4:43	P		The President talked with his daughter, Julie.
4:55	6:01			The President met with:
5:45	6:01			William P. Rogers, Secretary of State
				Mr. Ziegler
6:01				The President and Secretary Rogers went to West Executive Avenue.
6:01	6:10			The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:15	8:28			The President went boating on the <u>Sequoia</u> with Secretary Rogers.
7:20				The President and Secretary Rogers had dinner on board.
8:28				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:32	8:41			The President motored from the Washington Navy Yard to the South Grounds of the White House.
8:42				The President returned to his office in the EOB.
8:45		P		The President telephoned Mr. Ehrlichman. The call was not completed.
8:58	9:14	P		The President talked with Mr. Petersen.
9:24				The President returned to the second floor Residence.
9:27	9:49	R		The President talked with Mr. Ehrlichman.
CD/SM/JD				

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SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 16, 1973, 1:39 p.m. to 3:25 p.m.

On April 16, 1973 the President met in his EOB office with Henry Petersen between 1:39 p.m. and 3:25 p.m. The President opened the discussion by saying that he had three questions for Petersen before Petersen gave him whatever he had. He asked Petersen's reaction to the following: "I (inaudible) Dean, first Magruder, with the information that I know, it seems to me that I've got to tell the (inaudible) something about that's been done (inaudible) where it would be worse." The President said, "We got to be sure that when people ask us later that we didn't -- these people that are out (inaudible)." (p. 2)

The President asked Petersen if that would affect his case at all, and Petersen replied that he would like that not to be done "until we conclude the (inaudible)." Petersen told the President that they were trying to get the pleasdown, but his (apparently Magruder's) lawyers were reluctant on two grounds. The first, said Petersen, was whether Judge Sirica was "just going to lower the boom on him . . . [a]nd clap him in jail immediately," so they would have to see Judge Sirica to request that he not be jailed before the others against whom he had testified went to jail. The President asked, "Like Mitchell and (inaudible) . . . LaRue," and Petersen said, "Yes." Secondly, Petersen told the President, his lawyers were most concerned about what action the Ervin

Committee would take, and Petersen had given instructions that his lawyers be told that Petersen would talk to Senator Ervin. Petersen said that he thought they could make very persuasive arguments on fair trial and free press grounds with a potential witness who was pleading guilty. (pp. 2-3)

The President asked about the others, and said, "I think you'd have a hell of a problem on -- like getting a fair trial for Mitchell on this . . . in case the Ervin Committee moves forward." Petersen said he proposed to ask Senator Ervin to hold up, and the President said, "He won't agree with it." If he didn't agree, Petersen said, "we'll just have to go our separate course." The President asked Petersen if it was possible to try to enjoin the Committee. Petersen replied he did not think so, that Judge Sirica had instructed "all those people" to cooperate with the Senate Select Committee, and that if an injunction action were filed they would have another constitutional confrontation between the judiciary and the committee. The President said Petersen had to tell Senator Ervin that his continued investigation would jeopardize the rights of defendants and the possibilities of prosecution "of a case of a Mitchell." The President said that, if he were Mitchell's attorney, he would raise holy hell about that and he thought Mitchell's attorney would. Petersen agreed and told the President about the Delaney case, in which a conviction was reversed because of prejudicial publicity when a congressional committee did not hold off. (pp. 4-6)

The second thing, the President told Petersen, was that Petersen should understand that he was to talk only to the President and not to anyone else on the White House staff. The President said, "I am acting

counsel and everything else." The only other person Petersen might talk to would be Dick Moore. If the President found that there was something he wanted to get to Petersen but was tied up, he might ask Moore to do it, the President said, and he asked Petersen if that was all right with him. Petersen said there was one reservation, and the President asked, "He might tell somebody else?" Petersen said no, that Dick Moore's name had been mentioned, apparently by one of the prosecutors, and he would have to ask them why, because they should not know Moore. The President replied that Petersen "better keep it with me then" because "I need caution -- I don't want to -- I don't want any questions raised on this." (pp. 6-8)

The President then asked Petersen if it was correct that Petersen did "not want Magruder's (inaudible) to have him canned today." The President said that he had told Petersen that Magruder had to go, and he asked whether it might jeopardize Petersen's chance to plea bargain. Petersen said that was the case and indicated that they were concerned about "pull[ing] the string too tight on him before these other things are tied down." (p. 8)

The President said that he had seen Dean that morning and told him that he had to have Dean's resignation in hand. Dean was writing his resignation and he would get it later in the day, the President said. The President told Petersen that he had to have Dean's resignation and obviously Dean could not continue as counsel. He asked Petersen if he had any problems with that. Petersen said no, that was one of the reasons that he wanted the President to see Dean, and what the President did between himself and Dean was "something else" than what the prosecutor did. He

indicated to the President that the prosecution could not be in the position of "requesting you . . . to can Dean as a pressure tactic," but said that he had no objection to the President reaching an agreement. (pp. 9-10)

The President said that he had a different impression of Petersen's position from their talk the preceding night, and Petersen said that he needed a lot more to recommend to the President that Dean be canned. The President asked Petersen to put himself in the President's position and consider whether the President should allow Dean to have his resignation become effective after he made his deal with the prosecution, as Dean wanted, but as a prosecutor he would do something different. Petersen said that as President he would take his resignation. He told the President, "[F]rom your point of view I don't think you can sit on it. I think we have the information under control but that's a dangerous thing to say in this city." If the information came out, Petersen said, the President should have Dean's resignation and it should be effective. (pp. 10-11)

The President and Petersen discussed whether the information should be announced by the President or the Department of Justice and the President said he could say the case has been broken. (pp. 11-12)

The President said that he had "to be able to say this," and Petersen replied that they had no objection. The President asked Petersen when he could say it, and Petersen said they wanted to tie it to the Magruder plea. The President said that he had to say it before Magruder pleaded, and that "you and I don't want the Washington Post to break it."

After all, the President said, "we have broken this," and "demonstrated that the judicial system does work," although sometimes it takes time. The President told Petersen that he couldn't have Magruder go into open court "and then I come in laying (inaudible) out of this and that the other thing." The President told Petersen that what he had in mind was that he would go out with Petersen, perhaps that day, and answer any questions. The need, the President said, was "to show that the President takes the initiative." (pp. 12-14)

Petersen agreed, but said his hesitancy was that if it served to put them out in front and served also to cause cooperating witnesses to withdraw their cooperation, it would be counter-productive. Petersen said that with Dean and Magruder, the prosecution had two potential witnesses who could tie it down, only one of whom had agreed to be a witness. (p. 14)

The President suggested that Petersen appeared to have mixed emotions and to feel very strongly about the President's getting Dean's resignation that day, which might affect the effort to tie it down. Petersen affirmed this, but said that he had no objection to the President's taking Dean's resignation immediately, his problem was with the announcement. (pp. 14-15)

The President asked Petersen whether they could "keep ahead of the curve" by announcing Petersen's activity and position that day, but said "no that'll tip everybody off," and asked if that was the problem. Petersen said that he thought so and indicated that it would appear to be an expression of dissatisfaction on the President's part with Kleindienst. (pp. 15-16)

The President said that after all of these months that when he finds something out he has to act. (Errata, p. 17)

Petersen suggested that Ziegler could announce that the President had taken it upon himself to personally inquire into the Watergate situation. Petersen agreed that it would be fine to say that he had designated Petersen as his special counsel and that it could also be announced that there had been major developments that could not then be disclosed. (Errata, P. 18-19)

The President told Petersen that he had been investigating the situation for two weeks. He said that a month before he had told Dean to write a report, but that the report "was not frankly accurate. Well it was accurate but it was not full." The President said that Dean told him that the reason that the report was not full was that Dean didn't know, that the President didn't know whether or not that was true but was told that it was not. The President told Petersen that he then put Ehrlichman to work on it. (Errata, P. 18-19) The President said that Ehrlichman worked for two weeks and got materials together without knowing what Magruder was going to say and had called Kleindienst on Saturday and told him, "Look I've got this." The President said, "[I]t's a pretty good record in that respect. Because I had worked (inaudible) I said now damn it get these facts." He said he could say that for the past two weeks the President had conducted a personal investigation and had used Ehrlichman. (p. 20)

Petersen then told the President that several months earlier he had asked Pat Gray, in a very casual conversation, whether he had ever

received any documents from John Dean, that Gray told him he had not, and that "I just let it go at that." The President said, "My God." Petersen then said that Dean had told him he had also told Fred Fielding that he had given certain documents to Gray. Petersen told the President that he had seen Gray that day and asked him, and Gray said that it was absolutely untrue, that Dean had never given him anything. Petersen said he was going to talk to Fielding after he left the President's office to find out what Dean had told him. The President told Petersen that he had better ask Ehrlichman, too. The President said that he had asked Dean what the story was on this. The President told Petersen "what I know -- for whatever it's worth because I did conduct my investigation after I got this from you." The President said, "The wiretapping material and all that business -- all that was, of course, turned over to the (inaudible), "but that also in the safe were "what they call political documents" that had no relation to the Watergate whatever, and he (apparently Dean) said "we just sealed that up and" The President asked Petersen how he was going to reconcile Gray's recollection that he never got a thing and asked if the Director of the FBI would be called. Petersen replied, "We may have to." (pp. 21-24)

The President said that Ehrlichman told him the same story. "I think Gray did get something. And probably destroyed it." The President then said, "My suggestion is that -- I mean -- I have alerted -- I have a suggestion -- I think you better talk with Ehrlichman." The President told Petersen that he had better tell Ehrlichman what Gray had told him. (p. 24)

Petersen told the President that Strachan had come in that morning for a pre-appearance interview, but didn't want to answer any questions, and was sent out to get a lawyer. Petersen also told the President that Strachan had appeared before the grand jury the preceding week and the questions asked were very easy. (pp. 25-26)

The President asked Petersen if the "deep six thing" was "enough to hang Ehrlichman on," and Petersen replied that he did not think it was. (p. 26)

Petersen then told the President that part of Magruder's testimony went to obstruction of justice and subornation of perjury, that Magruder said Mardian and Dean had coached him in his testimony and that after Magruder's grand jury appearance Dean had called him to tell him that he had talked to Petersen and that Magruder had passed. (pp. 27-28)

The President asked Petersen what he had told Dean about Magruder's grand jury testimony, and Petersen said he told Dean that Magruder had made a good witness in his own behalf but that the jury had some difficulty in accepting the story with respect to the money for the bugging. Petersen said that he could conceivably be a witness on that issue. Petersen said that under the rule (apparently the rule regarding grand jury secrecy) he could tell to the extent it was necessary to discharge his obligation and that he didn't tell Dean any testimony. He agreed with the President's statements that Dean was conducting an investigation for the President and that Petersen had characterized the testimony rather than give Dean the substance of it. (pp. 28-30)

Petersen told the President that they had very little on Colson, except that he was alleged to have been putting pressure on as a member of the White House staff. The President said he knew all that, but he didn't know "whether it's bull." Everybody put pressure on, the President said, and the point was whether Colson and/or Haldeman put it on for money. Petersen said they didn't know, and the President said that both Colson and Haldeman denied it, that Haldeman said he wanted it for one purpose and Colson wanted it for another purpose. The President then said that he understood Colson used the word O'Brien at one time. Petersen replied that they didn't know that, but if they learned it that would be very damaging information because their information was that O'Brien was a specific target of the Liddy operation. The President apparently speculated on from whom he had heard about O'Brien. Petersen said that it didn't ring a bell with him. Petersen said that they had nothing on the aftermath concerning involvement by Colson. (pp. 31-34)

The President and Petersen again discussed a possible statement and the President asked Petersen to go over it with him and Ziegler. (pp. 34-37)

Petersen told the President that LaRue and O'Brien, the CRP lawyer, were coming in that afternoon, that LaRue was coming without a lawyer, and that O'Brien was very much concerned about the potential subornation charges. (pp. 37-38)

The President asked about the negotiations with Dean. Petersen said that the decision wasn't made. He told the President that Dean's counsel said they wanted a deal, that Dean was an agent and didn't do

anything but what Haldeman, Ehrlichman, and Mitchell told him to do, and that if they insisted on trying him their defense would be to try Ehrlichman, Haldeman, Nixon, and this Administration. The President said, "He'd try it -- the President too?" and Petersen replied, "It's a goddamned poker game. Yes sir." Petersen told the President "it's just awful tough" to offer Dean immunity at this point. (pp. 38-39)

The President then said, "The only point I want to be sure we understood on that is that I don't claim to be his higher authority. Mitchell is his higher authority -- I don't know who he is referring to." Petersen replied, "Oh I understand that," and said, "When I use that term -- Liddy's a nut you see." The President said he had never met the man. Petersen told the President that he had called Liddy's attorneys and told them that a report had reached the government that Liddy was refusing to cooperate out of a misguided sense of loyalty to the President and that Petersen had been instructed by the President to inform Liddy's lawyer that the President wanted everybody to cooperate subject only to the qualification that it should not be construed that the President was putting undue pressure on him. Petersen said that Liddy's lawyer, Maroulis, had flown down from New York the preceding night to see Liddy and give him this information, and they would see what developed. The President asked whether Liddy would be the corroborating witness for Magruder. Petersen replied, "Basically." He told the President that Liddy was crazy and had burned his arms, shown them to the prosecutor, and said he would stand up to anything. (pp. 39-41)

The President said that he felt for the Cubans, who they probably recruited "(inaudible) 'cause they were doing it for Castro or something," and asked, "Do you see how anybody would do such a silly damn thing like that otherwise?" (p. 41)

Petersen then told the President "there's one other item that I wouldn't put down." He said it became clear in the course of trial preparations that Hunt had received from the CIA certain documentation, the loan of a camera, and what have you. The President replied, "Yeah - yeah - yeah." Petersen continued that the prosecutors had asked the CIA and were told that the CIA was simply responding to a routine request from another government agency to help out Hunt who was on special assignment. The President told Petersen, "That was perfectly proper. He was conducting an investigation from the national security area for the White House at that point." The President asked whether they got bugging equipment from the CIA, and Petersen said they did not, that it was a camera, a voice disguiser, and credentials. Petersen said they were also told that the request for the camera came from Ehrlichman. The President asked whether it was relevant to this case. Petersen said it was relevant with respect to Ehrlichman and that the question was did Ehrlichman facilitate Hunt's obtaining equipment that was used in conjunction with the Watergate caper. The President asked if Petersen knew the time mode, and Petersen said that he would have to check the dates, that they had some pictures developed for him. (pp. 42-43)

At this point, Ziegler entered the meeting. The President again asked Petersen about the Dean negotiations, and Petersen said that they

were still wide open, that Dean had a tactical defense that he was an agent, who performed neutral acts which in the circumstances take on the trace of criminality, that he didn't have enough authority to countermand Mitchell or he told Haldeman who didn't countermand Mitchell, and that Dean was impotent in the circumstances. Petersen said that Dean's appeal would be much more sympathetic than that of the Cubans. He explained to the President that Dean did not say that unless they granted him immunity he would attack everybody including the President, but that his lawyer had said it in the course of negotiations, not as a threat, but as an explanation of what Dean's defense would be. The President asked whether Dean had testified that he was an agent for the President in any of this, and Petersen replied in the negative. "If he has, I need to know it," the President said, "(Inaudible) see Dean until a month ago. Never even saw him." Petersen said that that had great significance for the President's executive privilege argument with the Congress, since the narrow construction of the doctrine was that it was applicable only to agents of the President and so to the extent the doctrine was invoked with Dean he was per se an agent. (pp. 44-47)

The President asked if all Dean wanted was immunity from indictment, and Petersen affirmed that it was. In response to the President's question, Petersen said they were prepared to give it to him, but "[w]e're not going to like it." It would be done, Petersen said, only as a last resort and only if they had other evidence that could be used to convict higher-ups. (p. 48)

The President said, "You could use Dean on Mitchell -- that's the point." With Magruder, the President said, they had one man, and

he'd already lied once; with Dean they would have two, and if they got Liddy they would have three. Petersen agreed. The President asked if Petersen thought immunity was a good decision. Petersen said he was pondering it, that he didn't want to make it because it would look terrible to immunize a ranking official like Dean, and they were still bargaining for a plea. The President asked what kind of plea they would be getting, and Petersen said that he was sure that Dean would want a plea that didn't disbar him and didn't want to plead at all. (pp. 49-50)

The President then asked about the bargaining with Magruder, and Petersen said they were bargaining with him to determine a time but that it would not be that day because they had to see Senator Ervin and Judge Sirica first. (pp. 50-51)

The President told Ziegler what Petersen suggested that they could say in their statement. The President said, "Henry agreed with me that the President should be out in front," and Petersen stated that that was the reason they were so insistent on seeing the President again the day before. The President, Petersen, and Ziegler discussed the possible content of the statement and the responses to press questions that might arise as a result of the statement. At the conclusion of this discussion, the President said, "I want them [the press] to know that since the 21st I've been working my tail off, which I have, -- I -- I'm so sick of this thing. -- I want to get it done with and over, and I don't want to hear about it again. Well I'll hear about it a lot, but I've got to run the country too." (pp. 51-63)

Ziegler left, and the President asked Petersen about Haldeman and Ehrlichman, saying that he understood that from a legal standpoint the case against them might be quite difficult to prove. Petersen said that was certainly true with respect to Ehrlichman, but that Haldeman and Dean were in a much more difficult position from the purely theoretical legal point of view if Strachan confirmed that he (apparently meaning Haldeman) got the budget report and that he gave Ehrlichman or Haldeman a summary of the intercepted conversations and if Dean testified that he told Haldeman about the second meeting in Mitchell's office where these things were discussed. (pp. 63-64)

The President said that he had asked Dean that day if Haldeman, Ehrlichman, or Dean had any knowledge, and Dean had said no. The President said Dean told him that he went to the meetings but thought they had turned it off. The President told Petersen that Dean said it was afterwards that both Haldeman and Ehrlichman had problems. (pp. 64-65)

Petersen said Dean said in Mitchell's office that they should not be discussing this in the office of the Attorney General and maybe Dean figured that was turning off, but it didn't turn it off. Petersen said Dean went back to Haldeman and said we ought not be involved in that, Haldeman said right, but so far as they could ascertain nobody did anything. The President said that it would be pretty hard to convict, just looking at Haldeman. Petersen agreed that it was a very difficult case because it rested on inaction; that it was a theoretical case with Haldeman, and with Ehrlichman next to nothing. The President said, "All except the deep six," but Petersen disagreed. He said that whether the

material was turned over to Gray was not especially germane but it was important to determine whether or not Dean was telling the truth. The President said that if Gray got it, "the point is he doesn't have it now . . . So he's flushed it." The President said Dean told him unequivocally, "and I believe Dean on that." (pp. 64-68)

The President asked Petersen if the stuff out of the safe was not evidence, and whether they'd get after him (apparently Gray) for destruction of evidence. Petersen replied that Hunt said there were two notebooks that were germane that were missing. Petersen told the President that Hunt testified immunized before the grand jury and gave unbelievable testimony about Dorothy Hunt and the ten thousand dollars she had with her at her death. Petersen said that he lied on that issue, and they would have to have him back. Petersen said that Bittman, Hunt's lawyer, had gotten \$156,000 in fees and was very upset. The President asked, "Doesn't he know what the hell the (inaudible)? Does he think he was paid off? . . . Does he, Bittman, think that his fees -- Hunt's (inaudible) the purpose of getting his client to --" Petersen replied, "Well I don't think he cares where his fee came from. That fee went in." Petersen said that Bittman was concerned about McCord's allegations "based on (inaudible) Dorothy Hunt." (pp. 68-71)

The President said that he would be concerned with whether there was a circumstantial problem as to whether Hunt might have told Colson. The President told Petersen that Colson said he had sworn under oath that he didn't know anything about it and that "[y]ou would have him on perjury." Petersen said that they didn't have any evidence about Colson. (pp. 71-72)

After a discussion about Murray Chotiner, (pp. 72-73) the President returned to the subject of Haldeman's involvement, and Petersen repeated that Strachan hadn't talked that morning and LaRue was due in the afternoon. The President asked Petersen's advice on Haldeman and Ehrlichman, saying that in his view they should resign "if they get splashed with this," but the point was the timing. The President told Petersen that he got their oral resignations the night before and they had said they wanted to go at any time. Petersen said that he thought they ought to resign right away because of the need for confidence in the office of the President, that it had nothing to do with guilt or innocence. Petersen said he was much more concerned about Ehrlichman than about Haldeman because they had much less about Ehrlichman in terms of potential involvement. The deep six, Petersen said, went to the quality of the information, maybe it was trash and he said to get rid of it. The other thing was more sensitive. Petersen said that it is "a tremendously sensitive piece of information" that someone closely associated with the President told Hunt to get out of the country, although the orders were countermanded. If he were Ehrlichman, Petersen said, "I would feel like I had to go under the circumstances." (pp. 74-78)

As to Haldeman, Petersen said he felt even more strongly, since Dean discussed it with Haldeman and Haldeman didn't say stop. The President said that would not make Haldeman liable from a legal standpoint, since he didn't have the responsibility, although "from a public standpoint it's devastating." Petersen asked whether Haldeman had authority to act with respect to the budget proposals, and the President replied,

"No sir -- none, none -- all Mitchell -- campaign funds. He had no authority whatever. I wouldn't let him (inaudible)." Petersen said that Haldeman had knowledge, but didn't act upon it, and that comes out as a misprision of a felony. Misprision, he explained, was a statute that was hardly ever enforced; "[y]ou could put everybody in jail I suppose if you tried to." The President indicated that Dean had not told him that he discussed the budget proposal with Haldeman, and said, "Well I'll be damned!" (pp. 78-81)

The President indicated that he would ask Bill Rogers for his judgment about Haldeman. He said, "I don't want Haldeman to go and then have to get (inaudible) and then have Ehrlichman go and get caught." He asked Petersen if they ought to go together, and Petersen said he thought they should because from the outside they were almost a team. The President said that it was a very close call, and the real question was whether to let Magruder strike the blow and then they go. Petersen said that this might be a terrible injustice to both of those men, and the President said that he was in a "pretty poor position to have them go before Dean goes." Petersen agreed, and the President asked whether it would jeopardize the prosecution to announce Dean's going that day. Petersen said that it could be announced, as long as the prosecution team could say that they did not recommend it. (pp. 82-84)

The President said that he was "a little concerned about Dean's or his lawyers -- that he's going to attack the President and so forth." Petersen said that he didn't think the President personally, but the Presidency as the Administration, because of Ehrlichman and Haldeman, might be "his guts poker in the course of negotiations." Petersen

suggested that the President ask Dean specifically about reporting to Haldeman on the budget proposal, and the President said he would.
(pp. 84-85)

The President asked Petersen, "You've got to give [Dean] something don't you?" Petersen replied that they couldn't give him too much because it would impair his credibility and that was another factor. (p. 86)

The President said that he would telephone Petersen at nine o'clock that night. (pp. 86-87)

64. On April 16, 1973 from 3:27 to 4:04 p.m. the President met with John Ehrlichman and Ronald Ziegler. There was a discussion of the information furnished by Henry Petersen.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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- Pa
- 64.1 President Nixon daily diary, April 16, 1973,
Exhibit 21, In re Grand Jury, Misc. 47-73.....12
- 64.2 House Judiciary Committee staff summary of
White House edited transcript of a meeting
among the President, John Ehrlichman and
Ronald Ziegler, April 16, 1973, 3:27-4:04 p.m.....12

64.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

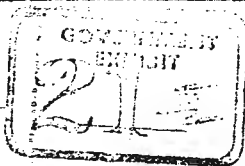
THE WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.



DATE (Mo., Day, Yr.)

APRIL 16, 1973

TIME DAY

12:08 a.m. MONDAY

TIME		PHONE P Placed R Received	Lo	LD	ACTIVITY
In	Out				
12:08	12:23	P			The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P			The President talked with his Assistant, John D. Ehrlichman.
8:26		P			The President talked with his Special Assistant, Stephen B. Bull.
8:27		P			The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29					The President went to the first floor private dining room.
8:29	9:24				The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24					The President went to the Oval Office.
9:50	9:59				The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40				The President met with his Counsel, John W. Dean III.
10:50	11:04				The President met with: Mr. Haldeman Mr. Ehrlichman
11:04					The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11				The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
					The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
					The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine
					The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see APPENDIX "A."

Source: Nixon #47-73 In re Grand Jury Proceedings

64.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(No Travel Reported for Travel Agency)

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 16, 1973

TIME DAY

11:11 p.m. MONDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P Placed R Received		ACTIVITY
In	Out	To	LD	
				<p>The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see <u>APPENDIX "B."</u></p> <p>Members of the press, in/out White House photographer, in/out</p> <p>The President returned to his limousine. He was accompanied by: Secretary Brennan Mr. Georgine White House photographer, in/out</p>
11:48	11:55			The President motored from the Washington Hilton Hotel to the South Grounds of the White House.
11:57				The President returned to the Oval Office.
12:00	12:31			The President met with Mr. Haldeman.
12:31	12:39			<p>The President met with:</p> <p>Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA) Robert Hitchins, General Manager of AA General Service Office Tom Pike, member of the National Advisory Council on Alcoholism Caspar W. Weinberger, Secretary of HEW James H. Cavanaugh, Staff Assistant White House photographer, in/out</p> <p>The President received the one millionth copy of the "Alcoholics Anonymous" book.</p>
12:40	12:57			<p>The President met with:</p> <p>Roy D. Hickman, President of Rotary International W. Richard Howard, Special Assistant White House photographer, in/out</p> <p>Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.</p>
12:58	1:37			The President met with his Press Secretary, Ronald L. Ziegler.
1:38				The President went to his office in the EOB.
1:39	3:25			<p>The President met with:</p> <p>Henry E. Petersen, Assistant Attorney General Mr. Ziegler</p>
2:25	2:52			

(1253)

64.1 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE WASHINGTON, D.C.				DATE (Mo., Day, Yr.) APRIL 16, 1973 TIME DAY 2:19 p.m. MONDAY
TIME		PHONE P - Placed R - Received	ACTIVITY	
In	Out	Lo	LD	
2:19		P		The President requested that Mr. Ziegler join him.
3:25	3:26	P		The President talked with Mr. Ziegler.
3:27	4:02			The President met with: Mr. Ehrlichman
3:35	4:04			Mr. Ziegler
4:04	4:05	P		The President talked with his Counsel, John W. Dean III.
4:05	4:06			The President met with Mr. Bull.
4:07	4:35			The President met with Mr. Dean.
4:42	4:43	P		The President talked with his daughter, Julie.
4:55	6:01			The President met with: William P. Rogers, Secretary of State
5:45	6:01			Mr. Ziegler
6:01				The President and Secretary Rogers went to West Executive Avenue.
6:01	6:10			The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:15	8:28			The President went boating on the <u>Sequoia</u> with Secretary Rogers.
7:20				The President and Secretary Rogers had dinner on board.
8:28				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:32	8:41			The President motored from the Washington Navy Yard to the South Grounds of the White House.
8:42				The President returned to his office in the EOB.
8:45		P		The President telephoned Mr. Ehrlichman. The call was not completed.
8:58	9:14	P		The President talked with Mr. Petersen.
9:24				The President returned to the second floor Residence.
9:27	9:49	R		The President talked with Mr. Ehrlichman.

CD/SM/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 16, 1973, 3:27 p.m. to 4:04 p.m.

On April 16, 1973 the President met with John Ehrlichman in his EOB office from 3:27 to 4:04 p.m. Ronald Ziegler was present for part of the meeting.

The President told Ehrlichman that Gray denied to Petersen that he ever got the bundle. "Oh, he's dumb," said the President. (p. 1)

Ehrlichman said that Dean had informed Liddy that Hunt should leave the country. The President asked Ehrlichman, "But you warned him didn't you?" and Ehrlichman replied, "Sure did." The President asked, "You didn't see it?" Ehrlichman replied that he didn't know what was in it; as far as he knew, it could have been shredded newspaper. Dean would say what he put in it, Ehrlichman told the President. Dean, he said, arrived at his office with a scotch-taped, sealed big envelope and handed it to Gray. He thought Dean had told him that it was the contents of the safe before Gray got there, Ehrlichman said, but he could not be sure. In any event, Ehrlichman said, he knew what it purported to be. In response to a question from the President, Ehrlichman said he didn't know when Gray was told it was not really Watergate material, but it might have been in Ehrlichman's presence. Ehrlichman said he didn't have any reason to doubt Gray's statement that he had been told, but Ehrlichman could not swear that he heard it said. It might be his (apparently Gray's) story, Ehrlichman said, that he opened it and it was full of paper napkins. But if Gray said that he was not in Ehrlichman's office and did not receive a big manila envelope from Dean, Ehrlichman said he would have to dispute that. (pp. 1-2)

-2-

The President asked if he (apparently Dean) had testified to that, and Ehrlichman said that he had told the U.S. Attorney that he gave Gray an envelope that was the contents of the Hunt safe. (p. 3)

Ehrlichman told the President that Dick Howard had just got a subpoena from the Grand Jury. The FBI agent who called to tell Howard he was coming over to serve the subpoena said Howard might want to talk to Dean to get advice while the agent was on his way. The President asked if Howard had talked to Dean. Ehrlichman replied, "No, fortunately, he talked to Colson." Ehrlichman said he had told Colson that "Dean was over the hill, cautioned him." Colson, Ehrlichman told the President, said, "Boy, you got an outpost over there. Well, U.S. Attorney's having the FBI agents send everybody a subpoena -- go talk to Dean." Ehrlichman said that "they'd like Dean to sit there and listen to every guy's story and then call over and let them know what's going on." Ehrlichman cautioned the President that it was "certainly improper for Dean to be counselling any of our people." The President said he had to talk to Dean, that "He's got to quit counselling anybody right now." (pp. 3-4)

The President said to Ehrlichman, "I'm not asking you to make up any story, but I'm just simply saying, I just can't -- damned dumb Gray, Director of the FBI in the position of having two White House people say he got an envelope and he doesn't remember it." The President said he heard that Ehrlichman had talked to Gray and asked what Gray said to him the preceding night. Ehrlichman said he told Gray what Dean was saying and Gray said he can't say that. Ehrlichman

told Gray he already had, and Gray said, I destroyed it. Ehrlichman told the President, "Well, that's it. You know, that's pretty tough (unintelligible) if he doesn't now." (pp. 4-5)

Ehrlichman then said that Strachan had been questioned by the prosecutors and, despite considerable fencing, he refused to discuss the matter and was excused by the prosecutor. Ehrlichman told the President he must not say anything to anybody about this because Ehrlichman supposed Strachan was not supposed to call him. The President said, "Yeah, I don't." Strachan called to get advice, Ehrlichman said. Strachan said they really worked him over, said stuff such as, "Listen, Strachan, you're going to jail; think about your wife, think about your baby and how would you like to be disbarred." The President said he knew they were going to work Strachan over and asked whether Strachan had asked for a lawyer. Ehrlichman replied, no, but they had asked Strachan to get a lawyer and kept stressing it. Ehrlichman said he thought what they were doing was "setting [Strachan] up for (unintelligible)." (pp. 5-6)

The President then said, "That safe John, something about the damned notebooks -- he said, notebook." Ehrlichman said he knew. The President asked, "And there were?" Ehrlichman said he honestly did not know. (p. 6)

The President said, "That's your only vulnerability, John." Ehrlichman said, "Deep six and the FBI business and Liddy." He then said it was interesting that Dean would take his remark about Liddy and act on it. But apparently they did not leave, the President said, you were discussing it. The President told Ehrlichman that he "tried

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to tell Petersen, 'Well, look, I can imagine them having a discussion --' he said, 'He ought to leave the country -- maybe we ought to deep six it.'" And, the President said, "You didn't do any of those things." (pp. 6-7)

Ziegler then entered. In response to a question from the President, Ziegler said he had talked to Moore and Chapman Rose, and they were both against it. The President said: "We just won't try to get out in front. . . . [W]e've gotten into enough trouble by saying nothing so we'll say nothing today." The President said "thank God" they had never made any public statements previously. (pp. 7-8)

The President told Ehrlichman that he had an understanding with Petersen. Petersen wanted them to move first, but the President said not before Magruder pleads. In any event, the President said, "we're going to have to wait for the Magruder thing. The point is you've got the whole record." (p. 8)

Ziegler said Rose's point was that the President was too closely tied in as an investigator, involved in knowledge and awareness of the Grand Jury proceedings, which could affect the direction of those proceedings. The President said, "Well, all the facts are going to show just otherwise when it comes out." (pp. 9-10)

The President said to Ehrlichman that he had asked that day about Magruder and the prosecutors did not have the deal with him yet because Magruder's attorneys insisted on something with Ervin and something with Sirica. Magruder, the President said, "wants to go to the D.C. Jail (unintelligible) in there," and they hadn't worked that out yet. (p. 10)

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The President said that he asked about the timing on Dean, but they did not have a deal on him. The President said Dean's lawyer made an interesting comment, saying, "Dean shouldn't do anything to upset the unmaking of Haldeman and Ehrlichman and Mitchell, and if they don't get immunity they're going to try this Administration and the President." The President continued that Petersen said that was quite common; everybody shouts to everybody. "After all, the business of the -- about the Dean report, why end it that way? Dean will stick to the position," the President said. "You know, he did make some movement on his own in this thing." The President said that he'd asked Dean a specific question: "Haldeman/Ehrlichman, did they know in advance?" and he said, "No." The President said, after a second meeting Dean saw Haldeman and told him they ought not be in this, and Haldeman agreed. The President told Ehrlichman that he had said, "Well what's wrong with that," and he said, "Well, Haldeman by failing to act --" Ehrlichman said, "That is true. . . . Dean states Haldeman agreed, but apparently no initiating of any instructions." (pp. 10-11)

The President responded, "Right," and continued that he (the President) had said, "Well how could he act? He wasn't in charge of the campaign He had no responsibility at all. The campaign was totally out of the White House." But, the President said, he supposed what he meant by that was that Haldeman should have called Mitchell and told him to knock it off. The President asked if that was what they were saying and what Haldeman said to that sort of thing. (p. 11)

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Ehrlichman said, "That's hard to get around, understand, because Dean's story, consistently, has been that at every one of those meetings, the plan was disapproved by Mitchell." Ehrlichman asked why there was a failure to act when everything was disapproved; "They need two disapprovals in order to make it stick?" The President said, "That's what I was going to say, but --." Ehrlichman said he guessed he didn't know enough about it. "I'd sure like to see us come out sometime, and I suppose it has to be at a time that Magruder makes his deal," said Ehrlichman. (pp. 11-13)

The President said that he had Petersen "on a short leash" and told Ziegler to keep that statement regardless and get "this factual thing that John has worked up for you" because "we've got to be ready to go on that instantly. We may go it today. We will survive it." (p. 13)

Ehrlichman then brought up the Ervin Committee rules, telling the President "[t]hey adopted an awful lot of my stuff." Ehrlichman said the committee rule on television was a very odd one, and a discussion ensued concerning whether this rule permitted the networks to tape the testimony or only carry it live. The President asked, "Do you believe it would be at all helpful to be forthcoming with Ervin then?" Ehrlichman said that there was little left to argue about except television, and "we could say we interpret this to mean unless the television is live, there won't be any and that's satisfactory to us" and "get the jump on them that way." Ehrlichman said they could let the committee come back and say they meant it could be taped, and then "we'll come back and say, 'Well, that isn't satisfactory.'" By that time, Ehrlichman said, they'd be in recess

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and it would be hung up until they got back. The President said "we had to, you know, before it comes from the Ervin Committee. But I don't think before it comes to the Ervin Committee it's going to amount to a damn in the next four weeks." (pp. 14-17)

Ehrlichman told Ziegler that what he should say is "we intend to avail ourselves fully of the ground rule that permits the use of executive session" and the majority of White House witnesses would request executive sessions. Then, Ehrlichman said, "what we've done is gone to our high ground," and the President agreed. Ehrlichman continued, "And let them pull us off." (p. 17)

It was agreed that the announcement on the Ervin Committee would be made the following day, after Ehrlichman had talked with Senator Baker. (pp. 18-19)

The President and Ehrlichman then asked Ziegler about Rose. The President asked, "Do they realize that I've got to make this general announcement before the Magruder thing comes up?" Ehrlichman asked, "[D]oes he fear the President will look like he's interfering with the Grand Jury?" Ziegler replied, "No, it's a quote," about the President being investigator. Ehrlichman said the President's contacts were a matter of record, and the President agreed and indicated that he did not agree with Rose on that point. Ehrlichman said that the point was moot, that it was the President's only recourse. "That was it," the President said. "I wouldn't worry about that (unintelligible). See, he's thinking as a lawyer. They probably like to see the President (unintelligible) this damned thing." (pp. 19-20)

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The President asked Ehrlichman for his view about a statement, and Ehrlichman replied that he didn't want it that night, "but I'd sure like to see you go full breast on it tomorrow" because on Wednesday they would be saturating the press with the energy message. (pp. 20-21)

The President said, "We'll see how they get along with their negotiations." Ehrlichman said that it seemed to him they were "hard-nosing these negotiations" and that Dean "doesn't really give them all that much." Ehrlichman asked, "But what is, what is that he can say? You stop and figure." The President said: "That he's informed the President and the President didn't act? He can't say that can he? I don't think, I've been asking for his damned report, you know." Ehrlichman said that "he comes up with a hell of a lot of egg on his face." (pp. 21-22)

The President told Ehrlichman, "I think he blames -- he would blame you and Haldeman." Ehrlichman replied, "Well, he's going to have a little trouble with that"; the President said, "Is he? Good." (p. 22)

Ehrlichman said he had put his log together and he had seen him (Dean) on the average of five times a month since the Watergate break-in, seen none of his memos routinely, and did not supervise any of his work, so "he's going to have a tough time making that stick." And, Ehrlichman said, some of the meetings were on the President's estate plan, some were on the library, and some on the leak scandal, so he had not seen him five times a month on Watergate. (pp. 22-23)

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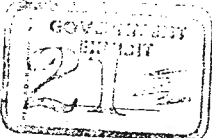
Ziegler asked the President if he wanted to meet Garment for five minutes before he saw Rogers. The President said no, he would have to put that off. He asked Ziegler if it was right that Garment wanted Haldeman, Ehrlichman and Dean to **resign** however the case broke; Ziegler indicated that it was. The President told Ziegler to tell Garment that the President was "just in the middle of this thing" and was "thinking along those lines," but couldn't act today because he had been told by Petersen that it would jeopardize the prosecution and the rights of the defendants. The President said, "If the President (unintelligible) it will tip a lot of others off that they are working on at the present time, and that I had put the pressure on to get this so that I can be (unintelligible) And I have in mind all those options." The President said to tell Garment that he met with Ehrlichman, Haldeman and Dean and discussed the problem and that he wanted to think about it and then talk to Garment. The President said he would like to have Garment's statement by six o'clock, when he was to meet Rogers. The President said to tell him that the President had been meeting with Petersen and could not act today, "but I'll be ready to do something quite soon." Ziegler replied, "Good," and the President concluded, "Don't tell him about it." (pp. 23-27)

65. On April 16, 1973 from 4:07 to 4:35 p.m. the President met with John Dean. The following is an index to certain of the subjects discussed during that conversation:

TRANSCRIPT PAGE

Presidential statement in regard to Watergate.	1-3, 15, 18, 26
Haldeman, Ehrlichman and Dean's continued presence on the White House staff.	3-7, 24-25
Magruder's negotiations with the U. S. Attorneys.	8, 16-17
President's statement to Dean to tell the truth.	10
Dean's proposed testimony before the grand jury in regard to the issue of Haldeman's prior knowledge of the DNC break-in.	10-15
Possible discovery of Hunt and Liddy's involvement in the Fielding break-in.	20-21
Senate Select Committee and the failure of "containment" during the past nine months.	22-24

- 65.1 President Nixon daily diary, April 16, 1973,
Exhibit 21, In re Grand Jury, Misc. 47-73..... 1267
- 65.2 Letter from John Dean to the President,
April 16, 1973, SSC Exhibit No. 34-50, 3 SSC 1316.... 1270
- 65.3 Tape recording of a conversation between the
President and John Dean, April 16, 1973, 4:07 -
4:35 p.m., and House Judiciary Committee
transcript thereof..... 1271

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (Not Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 16, 1973 TIME DAY 12:08 a.m. MONDAY
PLACE DAY BEGAN THE WHITE HOUSE WASHINGTON, D.C.				
TIME		PHONE P Placed R Received	ACTIVITY	
In	Out	Lo	ID	
12:08	12:23	P		The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P		The President talked with his Assistant, John D. Ehrlichman.
8:26		P		The President talked with his Special Assistant, Stephen B. Bull.
8:27		P		The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29				The President went to the first floor private dining room.
8:29	9:24			The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24				The President went to the Oval Office.
9:50	9:59			The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40			The President met with his Counsel, John W. Dean III.
10:50	11:04			The President met with: Mr. Haldeman Mr. Ehrlichman
11:04				The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11			The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
				The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
				The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine
				The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see APPENDIX "A."

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Grand Jury

PLACE DAY BEGIN		DATE (Mo., Day, Year)		TIME DAY	
THE WHITE HOUSE WASHINGTON, D.C.		APRIL 16, 1973		11:11 p.m. MONDAY	
TIME		PHONE P. Placed R. Received		ACTIVITY	
In	Out	To	LD		
				<p>The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see <u>APPENDIX "B."</u></p> <p>Members of the press, in/out</p> <p>White House photographer, in/out</p> <p>The President returned to his limousine. He was accompanied by: Secretary Brennan Mr. Georgine White House photographer, in/out</p>	
11:48	11:55			The President motored from the Washington Hilton Hotel to the South Grounds of the White House.	
11:57				The President returned to the Oval Office.	
12:00	12:31			The President met with Mr. Haldeman.	
12:31	12:39			<p>The President met with:</p> <p>Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA)</p> <p>Robert Hitchins, General Manager of AA General Service Office</p> <p>Tom Pike, member of the National Advisory Council on Alcoholism</p> <p>Caspar W. Weinberger, Secretary of HEW</p> <p>James H. Cavanaugh, Staff Assistant</p> <p>White House photographer, in/out</p> <p>The President received the one millionth copy of the "Alcoholics Anonymous" book.</p>	
12:40	12:57			<p>The President met with:</p> <p>Roy D. Hickman, President of Rotary International</p> <p>W. Richard Howard, Special Assistant</p> <p>White House photographer, in/out</p> <p>Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.</p>	
12:58	1:37			The President met with his Press Secretary, Ronald L. Ziegler.	
1:38				The President went to his office in the EOB.	
1:39	3:25			<p>The President met with:</p> <p>Henry E. Petersen, Assistant Attorney General</p> <p>Mr. Ziegler</p>	
2:25	2:52				

PRESIDENT RICHARD NIXON'S DAILY DIARY (Use Travel Record for Travel Activity)			
PLACE DAY BEGAN			DATE: Mo Day Yr
THE WHITE HOUSE WASHINGTON, D.C.			APRIL 16, 1973
			TIME DAY
			2:19 a.m. MONDAY
TIME		PHONE P Placed R Received	ACTIVITY
In	Out	To ID	
2:19		P	The President requested that Mr. Ziegler join him.
3:25	3:26	P	The President talked with Mr. Ziegler.
3:27	4:02		The President met with: Mr. Ehrlichman
3:35	4:04		Mr. Ziegler
4:04	4:05	P	The President talked with his Counsel, John W. Dean III.
4:05	4:06		The President met with Mr. Bull.
4:07	4:35		The President met with Mr. Dean.
4:42	4:43	P	The President talked with his daughter, Julie.
4:55	6:01		The President met with: William P. Rogers, Secretary of State
5:45	6:01		Mr. Ziegler
6:01			The President and Secretary Rogers went to West Executive Avenue.
6:01	6:10		The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:15	8:28		The President went boating on the <u>Sequoia</u> with Secretary Rogers.
7:20			The President and Secretary Rogers had dinner on board.
8:28			The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:32	8:41		The President motored from the Washington Navy Yard to the South Grounds of the White House.
8:42			The President returned to his office in the EOB.
8:45		P	The President telephoned Mr. Ehrlichman. The call was not completed.
8:58	9:14	P	The President talked with Mr. Petersen.
9:24			The President returned to the second floor Residence.
9:27	9:49	R	The President talked with Mr. Ehrlichman.
			CD/SM/ID

1316

EXHIBIT NO. 34-50

THE WHITE HOUSE

WASHINGTON

April 16, 1973

Dear Mr. President:

You have informed me that Bob Haldeman and John Ehrlichman have verbally tendered their requests to be given an immediate and indefinite leave of absence from your staff. By this letter I also wish to confirm my similar request that I be given such a leave of absence from the staff.

Sincerely,

John W. Dean, III
Counsel to the President

Honorable Richard Nixon
The President of the United States
The White House
Washington, D. C. 20500

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A MEETING BETWEEN THE PRESIDENT
AND JOHN DEAN IN THE PRESIDENT'S EOB OFFICE ON
APRIL 16, 1973 FROM 4:07 TO 4:35 P.M.

PRESIDENT: Hi, John.

DEAN: Yes, sir.

PRESIDENT: Well, did you have a busy day?

DEAN: Yeah, I've been, uh, spent most of the day on trying
to put together a statement -- I think that you
could come out. Apparently some other people have
done the working --

PRESIDENT: [Unintelligible]

DEAN: [Unintelligible] I have been working with them.
Apparently we're all kind of driving at the same
point. Uh,

PRESIDENT: Yeah.

DEAN: I was working on a draft when you called.

PRESIDENT: Good. I've got to see Rogers in two or three minutes,
so, uh [unintelligible]. Thought we'd have it ready
for [unintelligible] for Christ's sakes when I haven't
heard.

DEAN: Uh, I, I think I was -- calling Dick Moore in on it, 'cause Dick has been working

PRESIDENT: Good.

DEAN: on some of these others

PRESIDENT: Good.

DEAN: and, uh --

PRESIDENT: What would be best, rather than give it in a few pieces though, why don't you, uh --

DEAN: Put one together.

PRESIDENT: All right.

DEAN: It's got a strong thrust. It puts you way out front.

PRESIDENT: [Unintelligible]. You get, finally get the lead statement out of it.

DEAN: Well, this is, this is the, there's a tough question in here that I'd really like to drive it home,

PRESIDENT: Yeah sure.

DEAN: is the degree of biting the bullet right at this hour. Now there's one paragraph --

PRESIDENT: There are the questions of timing.

DEAN: Questions of timing, but there's just also the question of -- I have one paragraph in here where it says what you're doing as a result of what's come to your attention

and some of it goes to the Petersen thing and, and the fact --

PRESIDENT: Uh huh. Uh huh.

DEAN: One of the points is that you've advised all members of the White House Staff who'll be called before the Grand Jury that, effective immediately, they'll be on administrative leave until such time as the Grand Jury completes its work. Now here's the, uh,

PRESIDENT: Um huh.

DEAN: tough paragraph, if you go this far: "In this connection, I have not even spared in this decision my closest staff advisors and included in this action are H. R. Haldeman, Assistant to the President, John Ehrlichman, Assistant to the President for Domestic Affairs, and John Dean, Counsel to the President."

PRESIDENT: Um huh.

DEAN: Now, you can do that or you can leave that out and let them guess who is on administrative leave.

PRESIDENT: Anybody called before the Grand Jury.

DEAN: That's right.

PRESIDENT: [Unintelligible]

DEAN: [Unintelligible] that no man --

PRESIDENT: bite the, the bullet on, uh, Dean, Haldeman, and Ehrlichman. So then -- now the other thing -- the Garment line. Have you talked to Len?

DEAN: No, I haven't.

PRESIDENT: Well, I'd like you to talk with him.

DEAN: All right.

PRESIDENT: His line, he says that -- particularly Ehrlichman.

DEAN: I have a, I have a --

PRESIDENT: Say he should just resign, right now. But the trouble with that is that I just don't think Petersen -- Here's -- Petersen says, incidentally, on your letter, he thinks it's probably better, just better to get the letter, to get a letter in hand, to get the, to get where you can sit down, uh, and I said, "Well, uh, what, what do you think about it?" I, I -- He said, "There's still negotiating with your attorneys."

DEAN: Um huh.

PRESIDENT: And I said, well, I don't want to do anything to [unintelligible] negotiation or jeopardize the rights [unintelligible] defendant. He feels that the, that [unintelligible] wasn't clear, but he is not recommending it.

DEAN: Um huh.

PRESIDENT: [Unintelligible]. He says, stand clear. However, of the probable prosecution, that it would not be harmful to an individual, you know, if, if we had the resignations in hand, so at least, you know [unintelligible] I put them ~~on~~ leave, for [unintelligible].

DEAN: Um huh.

PRESIDENT: Well ~~there~~ you have -- Well you have -- Let me s--, let me

DEAN: Well,

PRESIDENT: see what ~~you~~ had in mind.

DEAN: I have,

PRESIDENT: Let's ~~just~~ talk about it.

DEAN: I have a ~~letter~~, uh --

PRESIDENT: [Unintelligible] so bad [unintelligible] a letter.

DEAN: Uh, to -- what I thought, I thought was fair.

PRESIDENT: Fair to everybody?

DEAN: Fair to everybody.

PRESIDENT: This is for getting [unintelligible]?

DEAN: Any of the critics, yeah, I, I, I wrote, uh, uh, "Dear Mr. President: You informed me that Bob Haldeman and John Ehrlichman have verbally tendered their request to give them immediate and indefinite leave of absence from the staff. So I declare I wish also to confirm my similar request that I be given such a leave of absence from the staff." This doesn't raise anything.

PRESIDENT: [Unintelligible] nothing.

DEAN: Well, uh, no I, I think that, uh --

PRESIDENT: I'm just [unintelligible]

DEAN: I think there is the problem --

PRESIDENT: You don't want to go if they stay.

DEAN: There is a problem for you of the scapegoat the--, theory.

PRESIDENT: Making use of it?

DEAN: That's right. That's right.

PRESIDENT: Like Magruder's been a scapegoat for Mitchell.

DEAN: That's right. Uh, you know, everybody who is appearing before the Grand Jury. Who -- This does not impute guilt to anybody. Uh --

PRESIDENT: Put it this way, I think rather than Leonard's [unintelligible]

DEAN: [Clears throat]

PRESIDENT: And the truth of the matter, uh [unintelligible] trouble before [unintelligible]. Yes, I guess that, I can say that, that, that I, that you are -- "You" is not a polite word. You've [unintelligible] responsibility. We orally have, we orally have said that

DEAN: That's right.

PRESIDENT: in this case, and that, uh --

DEAN: The only man you're dealing with is Petersen. The only role I have is to help fill in any information I can

PRESIDENT: Yeah.

DEAN: to deal with the, the public relations of the problem, so that, you know, you know what --

PRESIDENT: But you could say, you could say, definitely, John you could say, "The President talked to me about it. He said [unintelligible] till it cleared up."

DEAN: Right.

PRESIDENT: And, uh [unintelligible] I don't know that the [unintelligible] will end. And [unintelligible] Haldeman.

DEAN: [Unintelligible] unnecessary.

PRESIDENT: And that goes out ahead of, frankly the Magruder-Mitchell head-chop business.

DEAN: That's right; what's the timing on that? Do you know?

PRESIDENT: Yeah, we haven't made a deal with --- we haven't made --- any -- a deal with Magruder, uh, or Magruder's lawyers yet. Magruder is bearing in tight on the Ervin Committee and on Sirica. [Unintelligible] Kaig. I mean, I, and I've asked you

DEAN: Right.

PRESIDENT: from time to time your judgments, and I may ask Ehrlichman about this or that. But I meant --- I, I don't want him to, I don't want him to talk to anybody else, except, you know,

except when preparing this sort of thing.

DEAN: Right.

PRESIDENT: But I mean, uh, other, sort of, people that --

DEAN: "I'm not doing any investigative work --"

PRESIDENT: Well, that's what I -- people

DEAN: That's right.

PRESIDENT: should not come in to tell you that [unintelligible]
go before the Grand Jury, for Christ's sakes, or the
Attorney General.

DEAN: And I've turned that off, essentially three weeks ago.
[Unintelligible]

PRESIDENT: Good. [Unintelligible] three weeks, anyway, have you?

DEAN: No sir.

PRESIDENT: Have them realize: March twenty-first. We've got to
go check back and see [unintelligible]

DEAN: [Unintelligible] assess the overall problem for the
White House. [Unintelligible] technical problems.

PRESIDENT: Yes, yes, yes, yes, yes. He thinks that, uh
[unintelligible]. What kind of a problem [unin-
telligible] and Haldeman have.

DEAN: I think the thought of having -- being the first who
testifies is very painful for me.

PRESIDENT: Just tell the truth.

DEAN: That's right. That's what I'm going to do.

PRESIDENT: [Unintelligible]

DEAN: Amen.

PRESIDENT: [Unintelligible] when I say I'm thinking. They don't
think it's funny. [Unintelligible]. What I really need
then, is to say -- One thing that Petersen did raise
with me that [unintelligible] bit [unintelligible] with
regard to, uh, uh, Ehr--, Haldeman push? What I said,
now, was "Hal--, Did Haldeman have prior knowledge?
Did he know, did Ehrlichman know, did Dean know?" And
you said, "No." Beforehand.

DEAN: That's right.

PRESIDENT: Right. And he suggests that I say nothing. He told me
this, he says: "If Dean is testifying" -- "No, he's

not testifying to his conversations," he said that "He came over to Haldeman after that brief meeting and told him about the plan, which is the whole [unintelligible]." [Unintelligible] says, "You're right." So, his point being that actually Haldeman, then, did know.

DEAN: No, I, I, I disagree with that interpretation.
But,

PRESIDENT: You see,

DEAN: I didn't --

PRESIDENT: my -- tell you what, I didn't know, but I, I --

DEAN: My impression was --

PRESIDENT: If that was the case you see, John, then, uh, I, uh, I would have to s--, then I would have to, uh -- he has told me something that's different from what you've told me.

DEAN: No. I, I've always reported it exactly that way, because Bob has told me he didn't know. Now, I know I didn't know, because I feel that --

PRESIDENT: What about this, this conversation? [Unintelligible].
He said, "I have done something about it."

DEAN: I,

PRESIDENT: Bob's [unintelligible] Bob's responsibility to talk to him.

DEAN: I think what happened, I think what happened, Mr. President, is that everyone assumed that John Mitchell would never approve anything like this. I just assumed it. I told him I was not going to have any further dealings with Liddy or anybody over there on this and I didn't.

PRESIDENT: Yeah, yeah, yeah.

DEAN: And, I didn't have the foggiest notion what they were doing.

PRESIDENT: That's what you had told me, you know. We went, uh, through it over and over.

DEAN: Right.

PRESIDENT: I, I, I didn't know. I didn't know, of course.

DEAN: But I don't think -- Bob tells me he did not have knowledge. Now, the question is -- the other thing is -- I cannot even describe, I couldn't describe twenty minutes after the meeting, uh, what Liddy was presenting. It was the most spectacular sales pitch you've ever seen, in codes and charts, and right out of James Bond.

PRESIDENT: Operation Gemstone.

DEAN: Well, that's what I'm told, now later, after the fact, they called it -- I don't remember. I, I told Bob, I said, "They're talking about bugging; they're talking about kidnapping, and they're talking about, uh, mugging squads -- take people down from San Diego south of the border."

PRESIDENT: Who did you told to, uh -- You told Bob this?

DEAN: Yes, I did.

PRESIDENT: And he said?

DEAN: He said, "Absolutely no."

PRESIDENT: No.

DEAN: No.

PRESIDENT: So you will so testify, then.

DEAN: That's right. Absolutely.

PRESIDENT: [Unintelligible]

DEAN: That's correct. But I don't know, and I assume that, uh -- Bob didn't -- never told me to the contrary, that nothing happened from the time of that meeting where he

told me to, "Don't do anything about it and just stay away from it, don't talk to them." And Liddy agreed not to. I said to Liddy, "The last thing is that I'm never going to talk to you about this again, Gordon." What I thought was, that inaction would result in their, in their [unintelligible]

PRESIDENT: Inaction from you.

DEAN: Inaction from me. Without my hands at that stage --

PRESIDENT: Yeah, but then you, then when it happened --

DEAN: I don't know --

PRESIDENT: You don't even know the Mitchell thing, do you?

DEAN: Well, I, I don't have direct know--

PRESIDENT: Magruder says,

DEAN: Yeah.

PRESIDENT: he says that, uh [unintelligible] I, I feel that your statement is consistent with what you told me earlier.

DEAN: That's right.

PRESIDENT: I wish you would tell, uh [unintelligible]. I don't really --

DEAN: [Unintelligible] come down strong on --

PRESIDENT: [Unintelligible] White House and Haldeman [unintelligible].
You admit that he said, he said, "Absolutely not," and
he agreed.

DEAN: That's right.

PRESIDENT: That's what, uh [unintelligible]

DEAN: And Bob and I have gone over that after the fact, and he
recalls my coming into that office

PRESIDENT: Yeah. Uh huh.

DEAN: and telling him

PRESIDENT: Yeah.

DEAN: that, about this crazy scheme that's being cooked up.

PRESIDENT: You want to go over and get, uh, get together, uh --

DEAN: I'll work on this statement

PRESIDENT: [Unintelligible]

DEAN: and then we'll have something.

PRESIDENT: Uh huh.

DEAN: Too much to, to put people on administrative

leave that are going to go before the Grand Jury.

PRESIDENT: Bill Rogers. They're gonna have him over there [unintelligible]

DEAN: And so I think that --

PRESIDENT: Everybody's in the middle of this, John.

DEAN: That's right.

PRESIDENT: None of us can really, none of us, I don't think, uh [unintelligible]

DEAN: All I'm trying to think is how to get you out in front.

PRESIDENT: That's right. The whole point. I don't know how. It's just, uh, hard to think of it. I tried to get to talk, uh, with [unintelligible] negotiate for Magruder.

DEAN: Can't [unintelligible] -- Yes, I said, "No abuse."

PRESIDENT: Right.

DEAN: [Unintelligible]

PRESIDENT: [Unintelligible] Magruder [unintelligible]

DEAN: They're taking him into court to do this.

PRESIDENT: Huh?

DEAN: They're going to take Magru--

PRESIDENT: I know.

DEAN: --der into court to do this.

PRESIDENT: Lou Lavelle went. [Unintelligible]

DEAN: I know.

PRESIDENT: [Unintelligible]

DEAN: I don't think we're going to have many leaks out of the Grand Jury or, or the [unintelligible] court. Local court et cetera.

PRESIDENT: Uh, but uh, what do you think John [unintelligible] operating too short -- by a day.

DEAN: What about Hunt, too.

PRESIDENT: You, Haldeman and Ehrlichman. Magruder knows. I'd like to follow that. [Unintelligible]

DEAN: What -- How can he respond to that? I don't understand that.

PRESIDENT: Uh huh.

DEAN: [Unintelligible] his testimony before the Grand Jury.

PRESIDENT: This testimony makes a statement [unintelligible]

DEAN: I can't in public statement without naming any individuals.
[Unintelligible] the rights of that individual. That's
why I don't think that I, I can't foresee what he's going
to say. [Unintelligible] naming any, any individual.

PRESIDENT: You see, I think my own [unintelligible] I requested
that the U. S. Attorney call before the Grand Jury.

DEAN: [Unintelligible] all, all your staff.

PRESIDENT: I am to cooperate.

DEAN: Um huh.

PRESIDENT: How about trying that for a little [unintelligible] John?
[Unintelligible] if the White House staff gets called be-
fore the Grand Jury and questioned.

DEAN: The prosecution will [unintelligible] needed somebody
to wash or, or the like. They may or may not want to
hear, and -- by the way, I would, I would bounce that
one off Henry, uh --

PRESIDENT: Yeah, Ehrlichman and Haldeman and Magruder.

DEAN: It is, it has been? Or --

PRESIDENT: We can always find reasons.

DEAN: And Hunt's.

PRESIDENT: [Unintelligible] oh, my God, we've got to leave [unintelligible] Ehrlichman and Haldeman predict, thank God [unintelligible] world. They were on top; they're shot down.

DEAN: That's right. [Unintelligible]. The other thing that always worried me is not getting shot down, but not giving out enough, and starting a, a chain going that we didn't want, because we didn't give enough. Uh, would, uh -- [coughs][Unintelligible] unfortunately, the source of the problem, and it's just, it's mind boggling but you think about it, uh --

PRESIDENT: And --

DEAN: He didn't care --

PRESIDENT: All across [unintelligible]

DEAN: That's right Lord knows. Lord knows [unintelligible]

PRESIDENT: And after he didn't turn it off --

DEAN: And then we bailed him out, and that's why we have a problem.

PRESIDENT: [Unintelligible] and then you said the whole White House at least, uh, up to you, and Ehrlichman, Haldeman after regretfully dealing with the fact. We've just got to keep the thing from going upstairs, to Mitchell, I mean, your conversation with Magruder --

DEAN: That's right.

PRESIDENT: The fact that, uh, you're supposed to support him -- everybody --

DEAN: Uh huh.

PRESIDENT: and therefore Mitchell and [unintelligible]

DEAN: Oh, Mitchell, Mitchell was making heavy comments about, you know, if Hunt and Liddy blow, the White House will have a bigger problem than he will, sort of things.

PRESIDENT: Yeah.

DEAN: Whatever they had done over here would be quite embarrassing during the election, also.

PRESIDENT: Yeah.

DEAN: And I suppose there's some truth in that. No hard facts. Just [unintelligible] Ellsberg's office, and things like that.

PRESIDENT: [Unintelligible] that wouldn't have been very good.

DEAN: You know, uh, you know, poor Bud Kroghy, uh, is just miserable, knowing what he knows.

PRESIDENT: Meaning Ellsberg?

DEAN: Yeah, he's --

PRESIDENT: Yeah, well [unintelligible]

DEAN: Hopefully not. There's no reason it should be. The only evidence that they have which they must -- That's one of the reasons I have argued against a special prosecutor. The special prosecutor is going to run across evidence that's screwy. [Unintelligible] that picture, that picture in front of the doctor's office. [Unintelligible] can't get into that.

PRESIDENT: This is not their ca-- that they're --

DEAN: That's not their case. It just got forced on them.

PRESIDENT: That's right.

DEAN: When I was first, you know, first talking, uh, with regard to [unintelligible]

PRESIDENT: [Unintelligible]

DEAN: they wanted to just, just, just the original time run these guys through the Grand Jury, with immunity, and see what came out.

PRESIDENT: [Unintelligible]

DEAN: Uh, let us fight our battle with the Senate.

PRESIDENT: [Unintelligible]

DEAN: Absolutely.

PRESIDENT: We've been through this particular [unintelligible]

DEAN: They pulled it out inch by inch, uh, and it'll just,
uh, it'll bring you down with it in this [unintelligible]
committee.

PRESIDENT: Well, it hurts, as you say.

DEAN: [Unintelligible]

PRESIDENT: It won't pull us down. [Unintelligible], We can wait and
handle it in the [unintelligible] court.

DEAN: We never --

PRESIDENT: [Unintelligible] virtually nine months. [Unintelligible]

DEAN: Dean couldn't get there with the facts.

PRESIDENT: [Unintelligible] they'll ask.

DEAN: I didn't have the power to compel Mitchell or Magruder

to tell me what had happened. I just surmised what had happened.

PRESIDENT: The [unintelligible]

DEAN: I've been, uh, to be very honest, I've talked about it around here before I got in to see you for many, many months. Uh, I said, you know, I said the containment theory is not working anymore so you might as well forget it.

PRESIDENT: Right. That's what you came in to see me? Fine.

DEAN: Fine. It works. Finally, I started coming in to see you and that's when we started getting action.

PRESIDENT: I have no right [unintelligible]

DEAN: Then I was told by all of those after joining this, that'd be talking surrender. I'm not talking surrender. I'm talking realistically. [Unintelligible] investigation going. They've got subpoena power, immunity power, and they're going to break somebody up there, just as sure -- And, uh, I've always said that it's a domino situation -- One, one goes -- and that's exactly what's happened here, Mr. President.

PRESIDENT: The poor guys.

DEAN: The poor men and the [unintelligible] all the way around.

PRESIDENT: Secretaries, [unintelligible]

DEAN: That's right.

PRESIDENT
& DEAN: [Unintelligible]

DEAN: How do you want to handle it: Ehrlichman, Haldeman and Dean?

PRESIDENT: That's a good question. [Unintelligible] the biggest part of that question is when, under the circumstances -- it's, uh --

DEAN: Here's the argument I, I've been meaning to tell you: First of all, there is, there's, there is potential -- There are prima facie situations right now that are very difficult in, uh, to prove in context that -- been made aware of. Uh, does that thereby make it necessary for you to make a judgment that those people should leave the staff until their, their name is cleared?

PRESIDENT: It makes it necessary for me to relieve them of any duty if this peaks.

DEAN: That's right.

PRESIDENT: Which I have done. It makes it necessary for me to
[unintelligible] Haldeman turn it down, which I end up.

DEAN: But that -- I don't know --

PRESIDENT: I'm happy to discuss it with him, but whether, you
just say let's go all out and tromp their ass. I do
not --

DEAN: That's the tougher question, because one, that's putting
you in the position of being the, the judge and tryer
of the facts.

PRESIDENT: Before --

DEAN: Before all the facts are in, necessarily.

PRESIDENT: That's really my problem on that. I mean, I -- so this
fellow says that, and this fellow says that -- that's
the thing that concerns me.

DEAN: Well, maybe that's the way this ought to be handled,
publicly. Say, "I have certain information about --
you know, allegations have been made about persons, some
publicly -- some have not become public yet -- but I
am not in a position where I can make any"

PRESIDENT: Yeah. Yeah.

DEAN: "judgements, because all the facts aren't in yet."

PRESIDENT: But you really think, John, don't you, that, uh, you
[unintelligible] in the meantime --

DEAN: Okay.

PRESIDENT: Your statement, this statement is terribly important. And,
then frankly, something very shortly beforehand [unin-
telligible]. Right?

DEAN: Right.

PRESIDENT: I'll talk to you on Thursday. [Unintelligible]. Thank
you.

DEAN: Yes sir.

PRESIDENT: Would you say that you [unintelligible] move, uh [unin-
telligible] in this area?

DEAN: Right.

PRESIDENT: And, uh [unintelligible].

66. On April 16, 1973 from 8:58 to 9:14 p.m. the President spoke by telephone with Henry Petersen. Petersen gave the President a report. The President said he would not pass the information on because he knew the rules of the Grand Jury.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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66.1	House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 16, 1973, 8:58 - 9:14 p.m.....	1298
66.2	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1304

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 16, 1973, 8:58 P.M. to 9:14 P.M.

The President had a telephone conversation with Assistant Attorney General Henry Petersen from 8:58 to 9:14 p.m. on April 16, 1973. The President asked if there had been any developments that he ought to know about and told Petersen "of course, as you know, anything you tell me, as I think I told you earlier, will not be passed on." Petersen replied that he understood, and the President said, "Because I know the rules of the Grand Jury." (p. 1)

Petersen told the President that LaRue had been in and that he was "rather pitiful." Petersen told the President that LaRue had told John Mitchell that it was "all over." Petersen said that LaRue admitted "to participating in the (unintelligible) and obstruction of justice" and admitted being present, as Dean said he was, at the third meeting, the budget meeting. The President asked Petersen "Who was present at that meeting Henry? I don't know." Petersen replied that LaRue and Mitchell were present. The President responded that he seemed to have missed that meeting and asked Petersen if Dean was at that meeting. Petersen replied that Dean told them about that meeting in Florida, but that Petersen was not quite certain whether or not Dean was present. The President said, "[O]h, I heard about a meeting, but I think you told me about that." (pp. 1-2)

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Petersen said that LaRue was reluctant to say that Mitchell specifically authorized the budget for the electronic eavesdropping at that point, but that Petersen thought he was going to come around. Petersen said that LaRue had admitted that it could not have been activated without Mitchell's approval. (p. 2)

Petersen told the President that the prosecutors did not get to O'Brien or Strachan that day. He said that Strachan had retained Colson's partner as his lawyer, but the U. S. Attorney's office objected, so Strachan got another one and would be back the next day. (p. 3)

The President questioned Petersen about LaRue's telling Mitchell that it was all over, asking when he had done that. Petersen told the President that it had been just recently, within the past two days. (p. 3)

Petersen then raised "an additional detail" on Ehrlichman beyond what he had discussed with the President earlier in the day. Petersen told the President that Liddy confessed to Dean on June 19 that he was present in the Watergate and that Dean then told Ehrlichman. (p. 3)

Petersen told the President that Colson was present with Dean and Ehrlichman when Ehrlichman advised about telling Hunt to get out of town. Therefore, Colson would be called before the Grand Jury. With respect to Haldeman, Petersen told the President that Mitchell had requested Dean to activate Kalmbach for payments of money after June 17. Dean had said he did not have authority and went to Haldeman, who gave him the authority, and Dean then got in touch with Kalmbach to arrange for money. Petersen said that Kalmbach would also be called as a grand jury witness. (p. 4)

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Petersen said that these were the only additional developments. The President asked him what the situation was with regard to negotiations with Dean and Magruder. The President said that he was "[t]rying to get the timing, you see, with regard to whatever I say." Petersen told the President that Magruder's lawyers were very much concerned about Judge Sirica and wanted it ironed out first that Magruder would not go to jail before the rest of them if he confessed. Petersen said Titus would probably handle a meeting with Judge Sirica, but that it had to be very delicately handled because Sirica "is apt to blast us all publicly." Petersen told the President that Magruder's lawyers were not so much concerned about Ervin, and the President agreed because "the Ervin thing will become moot in my opinion." (pp. 4-6)

Petersen said that the other concern of the prosecutors was how to charge Magruder. He told the President that they did not feel they ought to put Haldeman and Ehrlichman in the indictment as unindicted co-conspirators, but they were afraid not to because if they didn't and it got out, "it is going to look like a big cover-up again." Petersen told the President that anyone named in the indictment as an unindicted co-conspirator would in all probability be indicted later on. He said that a secondary issue was whether they would have enough corroboration to make those statements. Petersen told the President, in response to questions, that Mitchell would be named and that it would be done in open court. Petersen said Judge Sirica would interrogate the defendant, as was his habit. If he interrogated Magruder, that would bring out the facts concerning Haldeman and Ehrlichman, Petersen told

the President, "and if we haven't mentioned them or included them in the conspiracy charge, then we are all going to have a black eye." Petersen said that these were the things they were trying to work out, and in response to a question by the President said that he doubted it would be done the next day. (pp. 6-8)

The President then inquired about the negotiations with Dean. Petersen said they were still tying down facts with Dean and wanted to get as much as they could. Petersen told the President that they were trying to get enough facts to make the decision on immunity and that it depended on how much of what Dean told them they could corroborate. The President asked, "If you can't corroborate enough then he doesn't get off, is that it?" Petersen replied that was right, they couldn't very well immunize him and put him head to head against a witness who was going to beat him. The President asked if Dean's people were playing it pretty tough with the prosecutors, Petersen replied in the affirmative, and the President said, "I guess we'd do that too, I suppose I prefer them to do that." (pp. 8-9)

The President then returned to the subject of June 19, and Petersen again said Dean reported that Liddy confessed to Dean and Dean told Ehrlichman. The President responded, "Hump -- that's new fact isn't it?" Petersen agreed that it was and said that it was a terribly important fact because no disclosure was made by either Dean or Ehrlichman. The President asked when Dean had said this, and Petersen said he was not quite sure. The President said

that Dean didn't tell him that, and that was the thing that discouraged him; it was a key fact that Dean should have told him. Petersen agreed.
(pp. 9-10)

The President asked again about Haldeman, and Petersen repeated that the principal thing he wanted to point out to the President was that Dean went to Haldeman to get authority to go to Kalmbach, who thereafter took care of the money. The President said that he knew about the \$350,000 fund, but didn't know "how it all went." Petersen said that it developed as money over which Haldeman exercised control, that the money was delivered to LaRue to be used for payments, at least a portion of it. The President said that he thought Haldeman would say that was true, but that Kalmbach should be asked. Petersen said that the money went to LaRue instead of to the Committee directly; LaRue apparently did not give a receipt and Haldeman had requested it. The President said that LaRue was loosely a member of the Finance Committee, and that Haldeman had told him it went to LaRue who was a member of the Committee or of Stans' committee. The President said that he didn't know, but that Petersen ought to check it out. (pp. 10-12)

The President then asked Petersen if there would be anything before the Court the following day. Petersen said that he did not think so and affirmed that the following day they would just continue to develop the evidence. The President said that therefore no statement would be in order at the present time. The President said that they had decided against a statement that day because he thought it would possibly jeopardize the prosecution. Petersen suggested that it would probably raise more questions than it answered,

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and the President agreed, saying that they didn't want to say anything "until -- like if there has been a big break in the case and everybody starts--" (pp. 12-13)

Petersen then told the President that he had a call from a reporter for the Los Angeles Times who said they had a report out of the White House that two or three people at the White House were going to be thrown to the wolves. Petersen said he had told the reporter he couldn't tell him anything about it and would neither confirm nor deny it. Petersen said he mentioned it "only because its --" and the President interrupted to say, "It's beginning to get out. Yeah." The President asked Petersen if the information came from the U. S. Attorney's Office, but Petersen said he doubted it because he had not told them. (p. 13)

The President again asked how Colson was involved and whether he would be called. As the conversation ended the President told Petersen to call him, even if it was the middle of the night, if anything came up, and Petersen agreed to do so. (p. 14)

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 16, 1973 TIME DAY 12:08 a.m. MONDAY
PLACE DAY BEGAN		PHONE P Placed R Received		ACTIVITY
In	Out	To	ED	
12:08	12:23	P	✓	The President talked with his Assistant, H. R. Haldeman.
8:18	8:22	P	✓	The President talked with his Assistant, John D. Ehrlichman.
8:26		P	✓	The President talked with his Special Assistant, Stephen B. Bull.
8:27		P		The President telephoned Staff Assistant Thomas Hart. The call was not completed.
8:29				The President went to the first floor private dining room.
8:29	9:24			The President held a breakfast meeting with Speaker of the House Carl B. Albert (D-Oklahoma).
9:24				The President went to the Oval Office.
9:50	9:59		✓	The President met with: Mr. Ehrlichman Mr. Haldeman
10:00	10:40		✓	The President met with his Counsel, John W. Dean III.
10:50	11:04		✓	The President met with: Mr. Haldeman Mr. Ehrlichman
11:04				The President, accompanied by Secretary of Labor Peter J. Brennan, went to the South Grounds of the White House.
11:04	11:11			The President and Secretary Brennan motored from the South Grounds of the White House to the Washington Hilton Hotel.
				The President was greeted by Robert A. Georgine, Secretary-Treasurer of the Building and Construction Trades Department of the AFL-CIO.
				The President went to the Cabinet Room in the Washington Hilton. He was accompanied by: Secretary Brennan Mr. Georgine
				The President greeted general presidents of union affiliates comprising the Building and Construction Trades Department of the AFL-CIO. For a list of attendees, see <u>APPENDIX "A."</u>

Source: Misc #47-73 In re Grand Jury Proceedings

66.2 PRESIDENT NIXON DAILY DIARY, APRIL 16, 1973, EXHIBIT 21,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(One Page Report of Travel Activity)

PLACE DAY BEGAN				DATE (Mo., Day, Year)	
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 16, 1973	
				TIME	DAY
				11:11 p.m. MONDAY	
TIME		PHONE		ACTIVITY	
In	Out	P Placed	R Received		
In	Out	In	LD		
				<p>The President addressed delegates attending the National Legislative and Safety Conference of the Building and Construction Trades Department of the AFL-CIO. For a list of head table guests, see APPENDIX "B."</p> <p>Members of the press, in/out</p> <p>White House photographer, in/out</p> <p>The President returned to his limousine. He was accompanied by: Secretary Brennan Mr. Georgine White House photographer, in/out</p>	
11:48	11:55			<p>The President motored from the Washington Hilton Hotel to the South Grounds of the White House.</p>	
11:57				<p>The President returned to the Oval Office.</p>	
12:00	12:31			<p>The President met with Mr. Haldeman.</p>	
12:31	12:39			<p>The President met with: Dr. John Norris, retired Associate Medical Director of Eastman-Kodak and Chairman of the Board of Trustees of Alcoholics Anonymous (AA) Robert Hitchins, General Manager of AA General Service Office Tom Pike, member of the National Advisory Council on Alcoholism Caspar W. Weinberger, Secretary of HEW James H. Cavanaugh, Staff Assistant White House photographer, in/out The President received the one millionth copy of the "Alcoholics Anonymous" book.</p>	
12:40	12:57			<p>The President met with: Roy D. Hickman, President of Rotary International W. Richard Howard, Special Assistant White House photographer, in/out Mr. Hickman presented the President with the Paul Harris Fellow Award in recognition of the President's efforts to promote world understanding.</p>	
12:58	1:37			<p>The President met with his Press Secretary, Ronald L. Ziegler.</p>	
1:38				<p>The President went to his office in the EOB.</p>	
1:39	3:25			<p>The President met with: Henry E. Petersen, Assistant Attorney General Mr. Ziegler</p>	
2:25	2:52				

HOUSE				PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Agency)	
PLACE DAY BEGAN				DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 16, 1973	
				TIME	DAY
				2:19 P.M. MONDAY	
TIME		PHONE P. Placed R. Received		ACTIVITY	
In	Out	To	LD		
2:19		P		The President requested that Mr. Ziegler join him.	
3:25	3:26	P		The President talked with Mr. Ziegler.	
3:27	4:02			The President met with: Mr. Ehrlichman	
3:35	4:04			Mr. Ziegler	
4:04	4:05	P		The President talked with his Counsel, John W. Dean III.	
4:05	4:06			The President met with Mr. Bull.	
4:07	4:35			The President met with Mr. Dean.	
4:42	4:43	P		The President talked with his daughter, Julie.	
4:55	6:01			The President met with: William P. Rogers, Secretary of State	
5:45	6:01			Mr. Ziegler	
6:01				The President and Secretary Rogers went to West Executive Avenue.	
6:01	6:10			The President and Secretary Rogers motored from West Executive Avenue to Pier One of the Washington Navy Yard.	
6:15	8:28			The President went boating on the <u>Sequoia</u> with Secretary Rogers.	
7:20				The President and Secretary Rogers had dinner on board.	
8:28				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.	
8:32	8:41			The President motored from the Washington Navy Yard to the South Grounds of the White House.	
8:42				The President returned to his office in the EOB.	
8:45		P		The President telephoned Mr. Ehrlichman. The call was not completed.	
8:58	9:14	P		The President talked with Mr. Petersen.	
9:24				The President returned to the second floor Residence.	
9:27	9:49	R		The President talked with Mr. Ehrlichman.	
CD/SM/JD					

67. On April 17, 1973 from 9:47 to 9:59 a.m. the President met with H. R. Haldeman. The President instructed Haldeman to tell Kalmbach that LaRue was talking freely. There was discussion of the problem raised by Dean's efforts to get immunity.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

Page

67.1	House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and H.R. Haldeman, April 17, 1973, 9:47 - 9:59 a.m.....	1308
67.2	President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1312

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 17, 1973, 9:47 a.m. to 9:59 a.m.

On April 17, 1973, the President met with H. R. Haldeman in the Oval Office in the White House from 9:47 a.m. to 9:59 a.m. The President began the conversation by saying that he was thinking that they probably should use John Connally more to try to hammer out what their policy should be on Watergate. (p. 1)

Haldeman said that Colson had told Ehrlichman that morning that Colson's sources in departments and around town said that "we've got one more day to act on our initiative." (p. 1) Haldeman told the President that "[t]he White House has got to move" and, if they were going to move that day, they probably ought to meet earlier so they would be ready to move by three or three-thirty. (p. 2)

After a deletion of "[m]aterial unrelated to Presidential action," (p. 1) Haldeman mentioned "all these breaks, this White House is all over town," and that the President had seen or knew the Los Angeles Times had the story, to which the President replied, "About (unintelligible)." (p. 2)

The President said he thought "we have to move today," and "you might have to give them the full report today the way it is breaking so fast." The President said that he had had quite a long talk with Rogers, who was "much more rational than Len." "On the other hand," the

President said, "you've got the problem of you and John sort of being nibbled to death over a period of time." "By not moving," the President said, "having a situation where, frankly, the changes of your being . . . publicly attacked and also even the steam of the prosecution is greater." Every day, the President said, "there is some damn little thing that somebody touts around with," so that "everything can be explained and try to defend and all that sort of thing." The President said that he was not prepared to make that suggestion, but Haldeman should talk to John about it. Haldeman agreed. (pp. 2-3)

The President then said, "Dean met with Liddy on June 19th, must have been when he did it." "He was in California in January," the President said, "but that is irrelevant." But "they keep banging around and banging around. The prosecution gets out the damn stuff." The President asked Haldeman if John had talked to him about it. Haldeman replied that Dean had told that story to him and Ehrlichman in Ehrlichman's office the preceding week or two weeks before and that Haldeman thought he had described the story to the President in some detail. The President said that this was after they had started their own investigation, and Haldeman agreed. The President said, "I mean it wasn't back then. It wouldn't indicate that we knew about all this, etc." The President continued, "Another thing, if you could get John and yourself to sit down and do some hard thinking about what kind of strategy you are going to have with the money. You know what I mean." Haldeman replied, "Yeah." There is then a deletion in the transcript of "[m]aterial unrelated to President's actions." (pp. 3-4)

The President told Haldeman that he had to call Kalmbach "so I want to be sure. I want to try to find out what the hell he [apparently Dean] is

going to say he told Kalmbach." The President asked what Kalmbach said he told him and whether he said they wanted the money for support. Haldeman replied that he didn't know and said that John [apparently Ehrlichman] had been talking to Kalmbach. The President said to be sure that Kalmbach was "at least aware of this, that LaRue has talked very freely. He is a broken man." (p. 4)

The President continued by saying that "this destruction of the (unintelligible) things is troublesome, of course." The President said that John told him too, and "basically the culprit is Pat Gray." He asked Haldeman if Colson knew about that and if they were calling Colson because he was in the room when it was handed to Gray. Haldeman replied that apparently Colson was not, but that there was a meeting before in which they supposedly talked about the deep-sixing and all that, which Colson was supposed to have been in. Haldeman said that Colson did not remember being in it and that Colson flatly said he was never in anything where there was a discussion of getting Hunt out of the country. Haldeman said that Kerhli, who was supposed to be at the same meeting, said the same thing and that Ehrlichman had checked everyone who was at the meeting and nobody recalled that being said except Dean. And, said Haldeman, Dean was the one who "called Liddy and told him to telephone Hunt to get out of the country and then called him later and said not to." (pp. 4-5)

The President then said that he would like a policy, that he thought "we've got to think about a positive move" and "it ought to be today." Haldeman agreed. The President said that "it should be at 3:00 today" and that he hoped the story didn't break today in --" Haldeman said that even if it did break, the President could "get into a cycle with it," and the President replied that he did not want to be answering it. (p. 5)

The President said that he wanted "a thing done today." Haldeman and Ehrlichman had to think, the President said, "not just in terms as a national group for the President and all that," but also had to think "in terms of having this damn thing continue to be dragged up bit by bit and answers dragged out bit by bit." The point was that "Dean's incentive with the U. S. Attorney, incentive with everybody else will be this and that," the President said. The President said that "the prosecutor has been pretty clever. They got Magruder. Magruder just caved, it had to come. It had to come, Bob. It was going to come." (p. 6) Haldeman agreed. The President replied, "That's right."

The President said that Dean "is the one who surprises me and disappoints you to an extent because he is trying to save his neck and doing so easily. He is not, to hear him tell it, when I have talked to him, he is not telling things that will, you know --" Haldeman said, "That is not really true though. He is." The President replied that he knew, that Dean "tells me one thing and the other guy something else," and "[t]hat is when I get mad." The President said that Dean was trying to tell enough to get immunity. Haldeman said, "That is the real problem we've got. It had to break and it should break but what you've got is people within it, as you said right at the beginning, who said things and said them, too, exactly as Dean told them. The more you give them the better it will work out." (pp. 6-7)

EXHIBIT
48
17-73

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

DATE (Mo., Day, Yr.)

APRIL 17, 1973

TIME DAY

9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE		
In	Out	P - Placed	R - Received	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

Source: Misc. 47-73 In re Grand Jury Proceedings

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

0' 4/71

PLACE DAY BEGAN				DATE (Mo., Day, Yr.)
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 17, 1973
				TIME DAY
				12:19 p.m. TUESDAY
TIME		PHONE P--Placed R--Received		ACTIVITY
In	Out	Lo	ID	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence.

67.2 PRESIDENT NIXON DAILY DIARY, APRIL 17, 1973, EXHIBIT 48,
IN RE GRAND JURY, MISC. 47-73

PLACE DAY BEGAN				DATE (Mo., Day, Yr.)
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 17, 1973
				TIME DAY
				7:36 P.M. TUESDAY
TIME		PHONE Pl. Placed Rcv. Received		ACTIVITY
In	Out	To	From	
7:36	7:38	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

THE WHITE HOUSE				PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Year) APRIL 17, 1973 TIME DAY 11:17 a.m. TUESDAY	
TIME		PHONE		ACTIVITY			
In	Out	P Placed	R Received	To	LD		
11:17						The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.	
11:20						The President and the First Lady returned to the second floor Residence.	
11:45	12:04	P				The President talked with Mr. Kissinger.	

SM/CD/JD

68. On or about April 17, 1973 John Ehrlichman had telephone conversations with Charles Colson, White House aide Ken Clawson, and former CRP campaign director Clark MacGregor. Ehrlichman asked Colson and Clawson about their recollections regarding Dean's allegations that Ehrlichman had told Dean to destroy documents from Hunt's safe and to order Hunt to leave the country. During the course of their conversation, Colson and Ehrlichman discussed nailing Dean by seeing that he not get immunity. Each of these conversations was tape recorded by Ehrlichman.

Page

68.1	Transcript of a telephone conversation between John Ehrlichman and Clark MacGregor, SSC Exhibit No. 107, 7 SSC 3007-08.....	1318
68.2	Tape recording of a telephone conversation between John Ehrlichman and Ken Clawson, April 17, 1973. (received from SSC) and House Judiciary Committee transcript thereof.....	1320
68.3	Tape recording of a telephone conversation between John Ehrlichman and Charles Colson, April 17, 1973 (received from SSC) and House Judiciary Committee transcript thereof.....	1325

3007

EXHIBIT No. 107

Conversation with Clark MacGregor.

E. Ehrlichman.

M. MacGregor.

E. Hi, Clark. Gee, you're nice to call back.

M. Well, you bet, sir, I'm sorry I was away. I went to one of those very exciting dedication ceremonies of the new building and housing with Federal Power Commission.

E. Say I missed that. But I just want you to know it wasn't because I wasn't invited.

M. I want to give you a detailed report.

E. That's why I called, really.

M. We may get around to that someday. Actually, I think that's a great idea—they have a new building in the north capitol street area near Union Plaza area in that old, it's been torn up so much and they have a federal agency in there. I think it's a darn good idea.

E. It helps the town. I am asking you to plumb your recollection, Mr. MacGregor. Back in the days following the Convention we were all at the convention and then if you will remember, the President went to San Clemente for five or six days and then he went on to Honolulu.

M. Yes, I remember.

E. Do you remember a sequence of events where we hatched a plot to have Clark MacGregor go out and make disclosures on the Watergate case? And said——

M. Yes.

E. And said, wouldn't it be an ideal time when the President is in Hawaii so that he's detached and so on and so forth?

M. I do recall it.

E. And we had extensive discussions and I'm, what I'm trying to track down is a memo that was written about that and I can't find any record of it and it may be that I am just imagining that there is such a thing.

M. John, I don't honestly recall a memo. Now, as I think back on that it may be that my recollection will change but I recall the circumstances that brought me to San Clemente and I think I came with some reluctance but not because of Watergate, because——

E. Other things you had to do.

M. Yes, that's right, and because Bob Haldeman said to me that he felt that it was imperative that I come out and visit with Bob and with you about the question of if you will White House oversight of Committee activities in certain key states.

E. Oh, yes, that was the problem we discussed at the convention and so on. Yeah.

M. And directly to our discussion which you and Bob and I think Fred Malek and I had a meeting in your office and that consumed much of the morning. We were—I think you and Bob and I were on some other matters for part of the morning in Bob's office: then it seems to me we convened really in your office with Fred Malek and then we met briefly with the President; then we trooped up to hear the President respond to the questions put to him and that was August 29 in the outdoor, sort of out door give and take session he had with the press.

E. Yeah, yeah, good for you.

Well, the thing that I am trying to recall is the details of this concept that we should make a clean breast of the Watergate right at that time. It becomes material in this whole investigation that's going on now only for the question of the part that John Dean may have played in giving advice that we ought not to do it at that time.

3008

- M. Again, I'm going to rely on recollection and I'll look at home tonight, John, because I didn't retain a great many papers. I thought it was no purpose behind, somebody else was going to be the historian, but I do recall that sometime in advance of that San Clemente discussions which we just covered, which took place on August 29, sometime prior to that the idea was voiced by Maurice Stans or others that maybe I ought to go before the press and say here's the written accounting of what transpired and I'm prepared to answer your questions about this and that although I never saw a memo I did see a draft, a rough draft, which I think was the one filed through John Dean, which consisted of five to seven double spaced pages on regular 9 x 12 paper, non-legal size paper with a sort of a historical summary. That I know, that particular paper, I think probably came to my attention in my campaign office at 1701 sometime a week to two weeks in advance of the Republican Convention and it resided for some time in my right hand drawer of the desk where I kept papers that I wanted to pick out and look at from time to time but haven't decided to act on. I don't recall that there was any accompanying memo at any time or anything in letter form that referred to the question of whether Clark MacGregor should make this statement.
- E. We had some pretty heated telephone conversations, as I recall, about your doing this.
- M. Well, I think that may be right.
- E. Yeah. You decided in your own mind that it was not a wise thing to do and we went back and forth, back and forth on it. Is that about right?
- M. Yes. Maybe. I think—I felt one of, well, I think you may be right, but I'm trying to probe my own recollection, my own motives.
- E. Yeah.
- M. It seems to me I felt at that time that certain things that were set forth there were things that were strange to me and that I would not be able to handle very well in terms of questions. And I think that rather than the question of the issuance of something it was a question of whether I was the appropriate person to . . . Maury Stans at that time was saying to me he wanted to do it.
- E. Oh, yeah. Yeah, I remember that, and you felt, in fact you said what would I say if they asked me to vouch for these things and at that time you had conducted no independent investigation.
- M. Except you should know that what I did was during the first week of July, that would have been on Monday, July 3, for the few people who were around and then more extensively on Wednesday, July 5. I did ask to come into my 1701 office Fred LaRue, Jeb Magruder, Herb Porter and two or three others and simply close the door and put it to them face to face.
- E. One by one?
- M. Yep, did you in any . . . were you in any way involved or did you have any prior knowledge before June 17 of the events that are known as the Watergate?
- E. And they said no?
- M. Yeah.
- E. OK, if you find it convenient and could rummage around and see if you have anything on that particular transaction, I'd be very grateful to you.
- M. OK, I will, John, I'll be looking for that, as I say, that double spaced, I can remember it was on white paper and it was on first sheets, not onion skin and I don't know that it had any particular title, but it did run 5-7 pages.
- E. And it would be a sort of a script of what you might have said? Is that it?
- M. Or issued, or handed out to the press. Kind of a white paper.
- E. I get it.
- M. I think it was referred to by one or more persons at that time as a white paper.
- E. Well, the memo I had in mind was one that I wrote that was a conceptual thing that said this coincidence of event were coming off the convention, McGovern is our opposition, Clark MacGregor is a bright new image, the President will be in Hawaii—why not take advantage of that coincidence of factors and let's make a clean breast of things.
- M. I recall that what you have just said was presented to me I think partly by Bob Haldeman and partly by you but I don't recall ever seeing it in writing.
- E. Yeah, yeah. OK.
- Thank you, Clark, sorry to have bothered you.
- M. Oh, no bother.

68.2 TRANSCRIPT OF APRIL 17, 1973 EHRLICHMAN/CLAWSON
TELEPHONE CONVERSATION

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A TELEPHONE CONVERSATION BETWEEN
JOHN D. EHRLICHMAN AND KENNETH CLAWSON ON OR
ABOUT APRIL 17, 1973

EHRLICHMAN: Hello?

CLAWSON: Hi, John.

EHRLICHMAN: Hi, Ken. You called me.

CLAWSON: No, I didn't call you.

EHRLICHMAN: I'm sorry. I got a message at home to call you.

CLAWSON: Huh.

EHRLICHMAN: I'll be jiggered.

CLAWSON: No, not at all.

EHRLICHMAN: This is Ken Clawson?

CLAWSON: Yep.

EHRLICHMAN: Huh.

CLAWSON: Unless it was Jim Clawson.

EHRLICHMAN: Couldn't have been. Isn't that strange?

CLAWSON: Nope. I didn't call you at all, John.

EHRLICHMAN: Gee, I hope I didn't wake you up.

CLAWSON: I'm, I'm out of it with this damn cold.

EHRLICHMAN: Aw--That's too bad. While I have you, could I ask you something?

CLAWSON: Sure.

EHRLICHMAN: I'm, I'm awfully sorry to bother you. Uh, you may recall a meeting in my office which I think you sort of convened to talk about a press report -- the, uh, this during the, the Watergate aftermath when it, when it broke -- a press report about Hunt's safe being in the White House. And you and Chuck and Bruce Kehrli came up here and met with Dean and me to talk about what to, you know, what our response should be, and so forth. Do you remember that?

CLAWSON: Uh, vaguely. I remember better the, the, uh, an earlier meeting in which, uh, the question was, uh, should we give out Hunt's dates of employment, and did Charley, uh, -- what Charlie's role was in hiring him.

EHRLICHMAN: Yeah. Well, this focuses particularly on, uh, what we ought to do about the contents of the safe, what we ought to say to the press, what we ought to do about Hunt, and so forth.

Do you have any present recollection of that?

CLAWSON: A vague memory. Yeah. But I don't recall any of the details of it.

EHRLICHMAN: Well, it's, it's interesting because Dean, uh, who as you know has talked to the U. S. Attorney at great length,

CLAWSON: Yeah.

EHRLICHMAN: uh, uh, cites some comments of mine in ~~that~~ meeting as evidence of corrupt attitude on my part. And, uh, I am looking for anybody who can, uh, help me to recall what took place there.

CLAWSON: That's a hell of a note, John.

EHRLICHMAN: /Laughs/ I agree. Well, let me, let me --

CLAWSON: If you want me to be forthwith and straight forward with you, I'll recollect anything that you want.

EHRLICHMAN: Well, no, uh -- Let me, let me tell you what my problem is, and then you can, you can, uh, uh -- As I rec--, uh--Don't-- I won't -- I'm -- Got to tell you what I recall and what I don't recall. He alleges that I said two things at that meeting. One, that we ought to "deep six" the contents of the safe, quote unquote, and two, that we ought to get Hunt to leave the country.

CLAWSON: Oh, I could -- listen, John. If anything like -- If either

one of those two things were said that would be vivid in my recollection.

EHRLICHMAN: I would think so. I would think so.

CLAWSON: And that's, you know, that's objectively.

EHRLICHMAN: Now

CLAWSON: /Unintelligible/ true.

EHRLICHMAN: in point of fact, Dean phoned Liddy and asked Liddy to have Hunt leave the country.

CLAWSON: That's new news to me.

EHRLICHMAN: Yeah, but see this is -- and he's -- and what he is doing is saying, "Well, I was just being a good German and carrying out orders."

CLAWSON: No, I, uh, I would have absolutely no trouble, in, in, in, in, in remembering either one of those two things had that been said.

EHRLICHMAN: Well, okay, Uh --

CLAWSON: One would just remember that.

EHRLICHMAN: Yeah, that's a, that's a fairly, uh, that's a fairly dramatic event.

CLAWSON: Yeah.

EHRLICHMAN: Okay. Thank you very much.

CLAWSON: Sure John.

EHRLICHMAN: S--, awfully sorry to have bothered you.

CLAWSON: Not at all.

EHRLICHMAN: I, I'm -- just don't understand --

CLAWSON: /Unintelligible/ If there's anything I can do in this
thing, please let me know.

EHRLICHMAN: I will. I will. Thank you, Ken.

CLAWSON: Sure.

EHRLICHMAN: Bye.

CLAWSON: Bye.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF
FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING
OF A TELEPHONE CONVERSATION BETWEEN JOHN D. EHRLICHMAN
AND CHARLES COLSON ON APRIL 17, 1973

EHRLICHMAN: Hello.

FEMALE VOICE: Hello.

EHRLICHMAN: Hello.

FEMALE VOICE: Mr. Colson's office.

EHRLICHMAN: Yes. This is John Ehrlichman.

FEMALE VOICE: Hi, Mr. Ehrlichman.

EHRLICHMAN: Is Mr. Colson in?

FEMALE VOICE: Yes, just a minute, please.

COLSON: Hello.

EHRLICHMAN: Hi.

COLSON: Hi, John. I'll be over about eleven if that's
convenient.

EHRLICHMAN: Fine. That's very good.

COLSON: Two quick questions, though -- uh, well, one thing I should tell you is that our grapevine, uh, last night really started accelerating. Uh, something coming out this morning -- "Dean involved" -- uh, now I notice the L. A. Times has it this morning -- but the people that Shapiro has been getting information from. You know the town is buzzing with -- is alive with the story.

EHRLICHMAN: Huh.

COLSON: So I don't think we have a hell of a lot of time

EHRLICHMAN: All right.

COLSON: to beat anybody to

EHRLICHMAN: All right.

COLSON: the [unintelligible]. I just thought I'd let you know that. [Unintelligible] Did he, when he went over there -- uh, was he given any immunity?

EHRLICHMAN: Not yet. What they have done apparently --

COLSON: They shouldn't give it to him.

EHRLICHMAN: I know it. What they said to him is that unless he turns up corroborated evidence against Haldeman and me --

COLSON: Is that who he's trying to nail?

EHRLICHMAN: Sure.

COLSON: Who? Dean is?

EHRLICHMAN: Yup.

COLSON: That's John Mitchell again. Son-of-a-bitch.

EHRLICHMAN: Unless, unless he does that, he doesn't get immunity. Now my grapevine tells me that you are going to be summoned over there today.

COLSON: Oh, really?

EHRLICHMAN: Yup. And that uh, they are going to ask you about a meeting in my office which Dean has highlighted as the central uh, uh, gem stone in the case against me. And, uh, so just in case you get hauled over there before eleven o'clock, maybe I'd better tell you about it. Uh, it was a meeting that Kehrli, Clawson, you, Dean and I had here.

COLSON: I wasn't there.

EHRLICHMAN: In my office?

COLSON: I was not there.

EHRLICHMAN: Hm.

COLSON: Dean tried this -- Dean tried this one out on me Friday night, and I said "I -- the only thing I can ever really recall, John, is I once told you that I thought it was a stupid God damn thing for Hunt to be a --, unavailable."

EHRLICHMAN: Well, that's the, that's the meeting where supposedly I ordered him to tell Hunt to leave the country.

COLSON: Never heard that, and, and I will so state under oath.

EHRLICHMAN: Uh, or that I, uh, admonished everyone that we ought to figure out some way to "deep six" the contents of Hunt's safe.

COLSON: No. No way. I was the one who said, "Go get Hunt's safe and be sure it's preserved for the FBI."

EHRLICHMAN: Right.

COLSON: A. And B, it's stupid to get him out of the country but that was in my office, not in yours, and you weren't present.

EHRLICHMAN: No.

COLSON: I can handle that one easily.

EHRLICHMAN: But you were not in a meeting here?

COLSON: Well, I may have been, but I sure don't remember that.

EHRLICHMAN: That's the way. Okay.

COLSON: All right?

EHRLICHMAN: Yeah.

COLSON: I can handle that.

EHRLICHMAN: Thank you.

COLSON: We'll see you --

EHRLICHMAN: I'll see you at eleven.

COLSON: There are a couple of things that you and I need to do to protect each other's flanks here.

EHRLICHMAN: [Laughs]

COLSON: But -- Listen, we'll talk about that.

EHRLICHMAN: All right.

COLSON: But, uh -- no, I'm serious.

EHRLICHMAN: Well, uh --

COLSON: Let's get,

EHRLICHMAN: fair enough.

COLSON: let's get it, uh, clearly understood that that
son--of-a-bitch doesn't get immunity. I want to
nail him.

EHRLICHMAN: Well, I'm doing my best.

COLSON: No. I want to nail him. I'll take immunity first.

EHRLICHMAN: Okay.

COLSON: All right?

EHRLICHMAN: All right.

COLSON: Good.

EHRLICHMAN: All right.

COLSON: Thanks.

69. On April 17, 1973 at 10:26 a.m. Gray met with Petersen in Gray's office. Gray has testified that he admitted to Petersen that he had received files from Dean in Ehrlichman's office and told Petersen that he had burned the files without reading them. Petersen told Gray that the assistant U. S. attorneys would want him before the grand jury. During the afternoon of April 17 Petersen told the President that Gray had admitted destroying documents he received from Dean.

	Page
69.1 L. Patrick Gray log, April 17, 1973 (received from SSC).....	1332
69.2 L. Patrick Gray testimony, 9 SSC 3471.....	1334
69.3 Henry Petersen testimony, 9 SSC 3624-26.....	1335
69.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 26-27 (received from Watergate Grand Jury).....	1338
69.5 White House edited transcript of a conversation between the President and Henry Petersen from 2:46 to 3:49 p.m., April 17, 1973, 1, 38-40.....	1340

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE

DATE TUE., APRIL 17, 1973

Time	Caller	VIA	Action	
✓ 9 ²⁰	ASST. AG HENRY PETERSEN	TELE	SPOKE TO MR. GRAY	
9 ²⁷	MR. GRAY	TELE	SENATOR RIBICOFF - LEFT WORD	
✓ 9 ²⁹	MR. GRAY	TELE	SENATOR WEICKER - SPOKE	
✓ 9 ³⁴	SENATOR WEICKER	TELE	SPOKE TO MR. GRAY	
9 ⁵⁴	MR. GRAY	TELE	ADMI. GEORGE ANDERSON - LEFT WORD	
✓ 9 ⁵⁵	MR. GRAY	TELE	MR. WILLIAM C. SULLIVAN - LEFT WORD	
10 ⁰⁸	MR. GRAY	TELE	MR. LICHENSTEIN - SPOKE	
✓ 10 ²¹	ASST. AG HENRY PETERSEN	TELE	SPOKE TO MR. GRAY	
10 ²²	R. ADAM WALTER SMALL	TELE	SPOKE TO MR. GRAY	
✓ 10 ²⁶	ASST. AG HENRY PETERSEN	PERS	SAW MR. GRAY	
10 ⁴³	SENATOR RIBICOFF	TELE	SPOKE TO MR. GRAY	
✓ 10 ⁴⁷	SECRETARY TO AG (WHITE HOUSE)	TELE	MR. GRAY TO SEE AG - MR. GRAY ADVISED	
✓ 11 ⁵⁰	MR. RICHARD MORRIS MISSRS. ARMSTRONG, LICHENSTEIN, FELT, BAXER, CONRAD & CLEVELAND & MS. HESBELL	TELE	SPOKE TO MRS. NEELAN (MR. GRAY AT AG's)	
12 ³⁰		PERS	LUNCH WITH MR. GRAY	
✓ 1 ³²	Mr. William C. Sullivan	TELE	LEFT WORD	
2 ¹⁵	SA WILLIAM P. HOLLOWAY WIFE: DOROTHY SONS: JAMES, DAVID & RICK BUREAU FOLLOWS-UP	PERS	SAW MR. GRAY	
(CONTINUED ON NEXT PAGE)				

DIRECTOR:

IN - 7³⁰IN - 2⁰¹

IN -

IN -

IN -

OUT - 10⁵³OUT - 6³³

OUT -

OUT -

OUT -

1332

FILE P-1
DATE Tues., April 17, 1972

[illegible]

DIRECTOR:

IN -

IN -

III -

IN -

22 -

OUT -

OUT -

OUT -

OUT -

OUT -

3471

Mr. Dean told the prosecutors that Mr. Ehrlichman had said to him. "Dean, you drive across the bridge each day, throw them in the river."

I was extremely troubled at my denial to Mr. Petersen. I slept little, if any, that night.

On Tuesday, April 17, 1973, at approximately 9 a.m., I placed a call to Mr. Petersen on my private line. He was not in and I left word. He called me back and, at my request, we met in my office later in the morning. I started our meeting by admitting that Dean had given me two white manila files in Ehrlichman's office. He asked if I had them and I told him I had burned them. He asked if I knew what was in them. I told him I had not read the files. He said, "The assistant U.S. attorneys will want you before the Federal grand jury."

On Wednesday, April 25, 1973, I telephoned Senator Weicker asking to meet with him. For a week I had thought about this matter and of Senator Weicker's staunch and valiant support of me and his warm friendship. I had a duty to tell him of these two files, yet my shame was so deep that it was hard to pick up the phone and call.

Senator Weicker and I met twice that day in my office and again the next day. I told him the manner in which I had received the files, that I had not read them, and that I had torn them in half and thrown them in my burn wastebaskets under my desk in my office on July 3, 1972, after returning from a visit to the San Diego and Phoenix field divisions. We discussed this subject at great length and he questioned me intensively on the entire matter. I persisted in my assertions to him that I had not read them, and that I had thrown them in my burn wastebaskets in my office on July 3, 1972.

I really cannot explain why I failed to tell Senator Weicker all the facts at this time and made the misstatements to him concerning the date I destroyed the files and my knowledge of what one of them contained. A sense of shame is all I can remember. I suppose I felt, in some irrational way, that I would look better in his eyes if I had destroyed them promptly and never looked at them. I have subsequently revealed all the facts of the matter to Senator Weicker, the staff of this committee, the prosecutors, and the grand jury.

At the time I accepted the two files from Dean and Ehrlichman, at the time I destroyed them, and on the several occasions, prior to my denial to Henry Petersen on April 16, in which I resisted disclosure of the fact that I had received and destroyed the documents, I believed that I was acting faithfully, loyally, properly, and legally pursuant to instructions given me by top assistants to the President of the United States. I have come to believe, however, what I should have realized then, that my acceptance of the documents in the first place, and my keeping them out of the normal FBI files, was a grievous misjudgment. My destroying them and resistance of disclosure only compounded the error. That the documents were not in fact Watergate evidence, while legally significant, does not lessen my present belief that I permitted myself to be used to perform a mere political chore. I shall carry the burden of that act with me always.

Mr. Chairman, that concludes my statement, sir.

Senator ERVIN: Mr. Gray, the committee got copies of your statement late and both counsels for the committee have not had an opportunity to study it; and it is almost 4 o'clock, after 5 days of hearings

Mr. DASH. Around December 22, 1972, in connection with hearings on Mr. Bittman's motion, I understand, concerning certain items that were taken out of Mr. Hunt's safe, did Mr. Dean tell you that he had given certain items from Mr. Hunt's files to Mr. Gray?

Mr. PETERSEN. Yes, we had an all afternoon session which started around 2 or 2:30 p.m. in which we were interviewing Mr. Dean, Mr. Fielding—Fred Fielding of the White House staff, and Bruce Kehrli with respect to their search of Mr. Hunt's office immediately after it was ascertained that he had some part in the break-in.

Mr. Bittman in his motion on behalf of Mr. Hunt had alleged that there were two notebooks present among Mr. Hunt's possessions that were not accounted for in the FBI inventory and we were trying to determine where they were, if they existed, did the FBI agents have them, did Dean, Fielding, Kehrli come across them, did they retain them or what have you, and we spent all afternoon interrogating those three people anticipating they would be called as defense witnesses on the motion to suppress. At approximately 6:30 that evening my recollection is we were interrupted with news on the DeCarlo commutation.

Mr. Dean pulled me aside and said the statement in there were true. he had given everything to the FBI, but some documents he had given to Mr. Gray personally and I said, "Well, John, I just want to know one thing, are they related to Watergate," and he said, "They are absolutely unrelated." I said, "Well, if you are asked that question, you are going to have to tell the truth." I remember his answer very vividly. "Henry, I will tell the truth, I am not going to lie for that damn Ehrlichman. I may lie for the President but I am not going to lie for him." I said, "More than that, John. I am willing to take your word that they are not related to Watergate, but defense counsel is not going to be. Now if you are asked that question, those documents are going to have to be produced and you had better talk to Pat Gray about it" and he said he would. We broke up on that note and we were going to get back to it, supposedly.

I was off on a Christmas holiday. When we came back, negotiations were undertaken with respect to the plea of guilty by Hunt and at the suggestion of the prosecutors I approved the acceptance of a plea to three counts, the conspiracy count, burglary count, and eavesdropping count, which as I recall would have subjected them to about 25 years, and the court went us one better and insisted they plead to everything, which they did. With the acceptance of the plea the motion to suppress was not pressed and, of course, I guess I just no longer had in the forefront of my mind those documents or that question with respect to those notebooks.

Mr. DASH. Did there come a time when you followed up and asked Mr. Gray whether or not he did receive certain documents out of Mr. Hunt's safe from Mr. Dean?

Mr. PETERSEN. During the course of Mr. Gray's confirmation hearing he had occasion to call me about some point and in the course of that conversation I had asked him very casually if he had ever received documents from John Dean from Hunt's safe or office which were not given to the agents and he said, no. The next occasion came on or

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about April 15 when John Dean was being debriefed by the prosecutors and he related this to him and Silbert asked me about it and I said yes, and told him I had asked Pat Gray and Pat Gray said no, and I went back to Pat Gray either on April 16 or 17 and asked him again, told him what John Dean had said, and he said Henry, that is not so. About this time I was having some discussion with the President about it. I had imparted this information to him and he said well, I think Dean is telling the truth on this, you ought to ask Ehrlichman. When I left there I went over to Ehrlichman's office and he was not there and I frankly did not bother going back to him. We double-checked with Dean's counsel and they were sure of it and I went back to Mr. Gray the following week, around the 25th, 26th, and asked him again and this time he said yes, that he had received such documents, that they had implied that he ought to destroy them, that he had taken them home over the weekend and brought them back and tore them up and threw them in the burn basket. I said—

Mr. DASH. Did he tell you why he had destroyed them, whether he was acting under instructions?

Mr. PETERSEN. Well, I asked him if he read them and he said no, and he said, well, they just said they were politically sensitive.

Mr. DASH. Did you say he did not know the contents of the papers?

Mr. PETERSEN. I asked him if he read them and he said he did not.

Mr. DASH. Where did you say that Mr. Gray went before he burned them?

Mr. PETERSEN. He went to Connecticut. He was in travel status, as I recall his statement to me, and after he received the documents he was going up over the weekend or to make a speech and took the documents with him and told me he brought them back to the office and tore them up and pointed down to the basket beneath his desk and said I put them in there.

Mr. DASH. Without reading them?

Mr. PETERSEN. That is right.

Mr. DASH. On the 26th, which was quite some time beyond the period we have been talking about, Mr. Gray has testified that on that day, apparently that is the day he did admit to you that he destroyed the documents, you said to him that you were scared and that you and he, Mr. Gray, were expendable and Mr. Haldeman and Mr. Ehrlichman were not expendable.

Did you say anything like that to him and, if so, why?

Mr. PETERSEN. I am not sure you have the time right, Mr. Dash. As I recall it, that was the night before Mr. Gray resigned. It was the day on which this item that we are discussing was publicized and I received a call from the President, as did Mr. Kleindienst in the evening, and the President asked me whether or not I thought Mr. Gray ought to resign and I told him that I thought Mr. Gray's position was untenable. And he said we will discuss it with the Attorney General. He, too, had talked to the Attorney General and, of course, I did discuss it with the Attorney General and pursuant to the President's instructions we asked Pat Gray to meet us and we did meet in the back office of Mr. Kleindienst's office and we discussed the situation and in my conversations with the President I expressed some sympathy for Mr. Gray, who I think most highly of. I have no hesitancy; I liked the man very much. And I told the President, "Mr. President,

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I think he is an innocent victim," and the President said, "yes. Henry, maybe, but there are going to be a lot of innocent victims before this is over." So it was in that context, the context of commiseration. I did not want to be there, we were in effect, suggesting that the man resign, and when Mr. Kleindienst went out of the room to talk to the President again, you know, I said Pat, we are all going to be embarrassed before this is over, I am scared, we have a constitutional confrontation here, we have the Presidency of the strongest nation in the world teetering in the brink. I do not remember saying that we were expendable, Ehrlichman and Haldeman were not, but I may have, I was upset.

Mr. DASH. Are you aware that Mr. Gray's testimony is that he informed you on April 17 that he had received the documents? Are you aware that at that earlier time he gave you that information?

Mr. PETERSEN. No, sir. My recollection is that I went to see him on the 16th or 17th and he denied it, I went back to see him the following week after double-checking with Silbert and Dean's counsel and the President, what have you, and it was Tuesday of that week, I think, maybe the 25th, 26th.

Mr. DASH. Do you recall that sometime after the conviction of the seven Watergate defendants and the sentence, having lunch with Mr. Kleindienst, Mr. Dean and Mr. Ehrlichman and a question of leniency for the defendants coming up.

Mr. PETERSEN. No, no, I never had—

Mr. DASH. Let me rephrase the question. Are you aware of a lunch that Mr. Kleindienst had with Mr. Dean and Mr. Ehrlichman in which a question of leniency came up concerning the defendants in the Watergate case?

Mr. PETERSEN. Well, I am aware of a time when I received a telephone call from Mr. Kleindienst who said I am just now leaving the White House and I am on my way to the airport and on the way by I will stop by and you go downstairs and I will pick you up. You can ride out to the airport with me and I want to get some information from you, and I cannot fix the date except that it was a time when Mr. Kleindienst was going to Boston and he was meeting his wife at the airport.

We rode out to the airport and he said, I just had lunch with Dean and Ehrlichman and they raised a question of whether or not leniency could be accorded these defendants. And I said absolutely not. I said indeed, we are going to do just the contrary. It is not the practice in the District of Columbia to recommend specific terms, jail terms, but it certainly is the practice to recommend for jail or no jail and we intend to recommend jail time for these people and beyond that, after they are sentenced we intend to call them back and immunize them and in order to compel their testimony as to whether or not other persons are involved, and if they are contumacious and refused to testify they will be held in contempt. We discussed more what the procedure was, the sentencing procedures and when they would be sentenced and what have you, and he finally said do me a favor, go on back and go on over to the White House and tell those crazy guys over there what you just told me before they do something they will be sorry for. And I said, well, OK, and I went back to my office and on the way back I thought I have not been over there yet and this is not the time to go.

1 conversation. It may have been.

2 BY MR. FRAMPTON:

3 Q Mr. Petersen, when was the first time you learned
4 that Gray had destroyed the material that he had received?

5 A Not until very, very late in the investigation,
6 and that was --

7 Q It was well after April 15th, was it?

8 A Well, well after. It was a week after. When I
9 went to Gray -- the second time, I went to Gray in person,
10 and I think that was on, maybe, the 17th of April, and he
11 denied it. We had a general discussion about it.

12 Q He denied he'd even got the material?

13 A That's right. He just said that Dean was not telling
14 the truth. And then I told Silbert to go back, and then I
15 reported to the President that Gray had said this wasn't true
16 and the President said, "Well, talk to Ehrlichman."

17 In the meantime, Silbert had gone back to Dean and
18 he came back and said, "Dean's firm on it." And then my
19 recollection is that a week had expired and it was the succeed-
20 ing week -- maybe Tuesday or Wednesday -- and I went to Gray
21 again and, at that time, Gray said, you know, "Yes, that's
22 true. They making a patsy out of me. I've been taken. I've
23 been had." Or words to that effect. "I destroyed the docu-
24 ments and tore them up and threw them in my burn basket."

25 Q So you first learned about the destruction, itself,

DV

1 from Gray?

2 A That's right.

3 Q Not from the President or from Ehrlichman?

4 A No. No. The discussion, though, I think was
5 whether or not Gray had been instructed to destroy them. And
6 my recollection of the President's position was that Ehrlich-
7 man said that he had not. That's my recollection of the
8 discussion.

1060

Appendix 41. Meeting: The President and Petersen, Oval Office,
April 17, 1973. (2:46 - 3:49 p.m.)

Steward - Mr. Peterson

P Right.

P All right - he can come in.

Steward - Have him come in now, Sir?

P Yeah.

P Hi.

HP Mr. President, how are you?

P Sit down, sit down.

HP Thank you, Sir.

P (Inaudible) meeting - in the middle of the night
for a change. The, ah, anything new I need to
know?

HP No, Sir, ah.

P Don't. As a matter of fact, I don't want you
really to tell me anything out of the Grand
Jury unless you think I need to know it. If it
corroborates something or anybody here I need to
know it - otherwise I don't want to know about it.

HP No, Sir.

P. That's good, because I find - Incidentally, if
I might - I don't think I like - for example,
I haven't been in touch with John Mitchell but
he might call me sometime and I don't want to
be a position of ever saying anything, see?

-38-

1037

HP Damn, I admire your strength. I tell you.

P Well, that's what we are here for.

HP Well I know but I've been around government long
 enough...

P Frankly, the Dean thing troubles the hell out of
 me - I would like in one sense I would like to
 see the poor bastard you know, out of it and in
 another sense I think the immunity thing scares
 me to death.

HP Well it does me too. I agree.

P How shall we leave that? You will go back and -
 you haven't made a decision then?

HP Well we're still negotiating.

P You are going to try to see if you can get it
 another way -

HP That's right - that solves the problem for me -
 and if ...

P But you may not be able to and then we will have
 to get Dean. He is the only one, so - otherwise
 you go the other way.

HP Yeah. Incidentally, I talked with Pat Gray
 again -

P Yeah

HP I went back again today

P Do you think you can put that piece together?

HP Yes sir - I'll tell you what happened. He said he met with Ehrlichman - in Ehrlichman's office - Dean was there and they told him they had some stuff in Hunt's office that was utterly unrelated to the Watergate Case. They gave him two manilla envelopes that were sealed. He took them. He says, they said get rid of them. Dean doesn't say that. Dean says I didn't want to get rid of them so I gave them to Gray. But in any event, Gray took them back, and I said Pat where are they, and he said I burned them. And I said -

P He burned them?

HP I said that's terrible.

P Unrelated - only thing he can say was - he did it because it was political stuff I suppose?

HP Well, you know, the cynics are not going to believe it was unrelated.

P Oh yes of course.

HP I said, did you read it?

P Who handed it to him, Dean? Who knows the contents?

HP Dean and Ehrlichman. Dean -- Gray says he never looked at it - never read it.

P Did Dean? - did we ask Dean what the contents were?

HP I didn't ask Dean because he said it was -

1099

-40-

P Did anybody?

HP Not at this point. We'll have get to that obviously.

P Sure. Dumb damn thing to do.

HP I think it is incredible and I just -

P Why didn't he just put it (inaudible)

HP I said Pat why did you do it.

P Pat's naive.

HP He said - well, I suppose because I took them at their word.

(Apparently someone brought in a statement)

P (Inaudible) Oh this is a (inaudible) Senate Select Committee. Let me read it to you if you can (inaudible) it for me a little. "For several weeks Senator Ervin and Senator Baker and their counsel have been in contact with White House representatives, Mr. Ehrlichman and Mr. Garment. They have been talking about ground rules to preserve the separation of powers without stressing facts. I believe that the Committee ground rules that have been adopted totally preserve the doctrine. They provided the...appearance by a witness named - in the first instance to be in executive session if appropriate. Second, the executive privilege would be expressly preserved (inaudible) proceeding would be televised (inaudible)...that has never

70. On April 17, 1973 from 12:35 to 2:20 p.m. the President met with H. R. Haldeman and John Ehrlichman. Ronald Ziegler joined the meeting from 2:10 to 2:17 p.m. There was a discussion about what to do about Dean and what Dean might say if he were fired; about the motive for making payments to the defendants; about what Strachan would say concerning intelligence material received from Magruder; and about whether Dean had reported to the President in the summer of 1972. There was also discussion of a press plan.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

Page

- 70.1 President Nixon daily diary, April 17, 1973,
Exhibit 48, In re Grand Jury, Misc. 47-73..... 1346
- 70.2 House Judiciary Committee staff summary of White
House edited transcript of a meeting among the
President, H.R. Haldeman, John Ehrlichman, and
Ronald Ziegler, April 17, 1973, 12:35 - 2:20 p.m..... 1350

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activities)

DATE (Mo. Day Year)
APRIL 17, 1973
TIME DAY
9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P. Placed R. Received		
In	Out	In	LO	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

Source: Miss 47-73 In a Letter from President

DATE DAY BEGAN		DATE (Mo., Da., Yr.)		
THE WHITE HOUSE WASHINGTON, D.C.		APRIL 17, 1973		
		TIME	DAY	
		12:19 p.m.	TUESDAY	
TIME	PHONE	ACTIVITY		
In	Out	Lo	ID	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence.

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

899

DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Received	ACTIVITY
In	Out		
7:36	7:33	R	The President talked with Mr. Kissinger.
8:02			The President went to the North Portico.
			The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03			The Presidential party went to the Yellow Oval Room.
8:03	8:21		The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22			The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39		The Presidential party received dinner guests.
8:39	10:11		The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11			The President and the First Lady went to the Grand Hall.
10:11	10:32		The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32			The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17		The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY (See Last Page for Travel Activity)				DATE (Mo., Day, Yr.) APRIL 17, 1973 TIME DAY 11:17 a.m. TUESDAY	
PLACE DAY BEGAN					
THE WHITE HOUSE WASHINGTON, D.C.					
TIME		PHONE		ACTIVITY	
In	Out	P Placed	R Received		
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.	
11:20				The President and the First Lady returned to the second floor Residence.	
11:45	12:04	P		The President talked with Mr. Kissinger.	
SH/CD/JD					

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 17, 1973, 12:35 to 2:20 p.m.

On April 17, 1973, the President met with H. R. Haldeman and John Ehrlichman in the Oval Office from 12:35 to 2:20 p.m. Ronald Ziegler was present from 2:10 to 2:17 p.m. The transcript begins with the notation, "Material not related to Presidential actions deleted." (p. 1)

Ehrlichman told the President they had a press plan, but it rested upon some decisions that the President had to make on "sort of an action plan." Ehrlichman said he had just met for an hour with Colson, who was very concerned and said he had to see the President. Colson wanted to explain in length to the President why Dean had to be dealt with summarily, Ehrlichman said. Ehrlichman said that Colson's argument would be that "the City of Washington, generally knows that Dean had little or no access to you." The President responded, "True, that's quite right. Dean was just a messenger." Ehrlichman continued, "That knowledge imputed to us is knowledge imputed to you" and that if Dean testified that "he imputed great quantities of knowledge to us, and is allowed to get away with that, that, that will seriously impair the Presidency ultimately" because it would be "very easy to argue - that all you have to do is read Dean's testimony - look at the previous relationships - and there she goes!" So, said Ehrlichman, Colson argued that the key was that Dean should not get

immunity. The President said, "Well, he told me that, and I couldn't agree more." (pp. 1-2)

Ehrlichman told the President that Colson said the President had total and complete control over whether Dean got immunity through Petersen and that Colson would be glad to come in and tell the President how to do it, why, and all that stuff. The President said that he did not want Colson to come in, that he felt uneasy about that, his ties and everything. The President said, "I realize that Dean is the (unintelligible). Dean, of course, let's look at what he has, his (unintelligible) and so forth about (unintelligible) go popping off about everything else that is done in the government you know, the bugging of the --" Ehrlichman said that the question was "which way he is liable to do it most." The President said that if he got immunity, he would want to pay just as little price as he could. Ehrlichman responded that the price, the quid pro quo for immunity was "to reach one through us to all of us." Ehrlichman said Colson argued that if he were not given immunity, then he would have "even more incentive to go light on his own malfections [sic] and he will have to climb up and he will have to defend himself." (p. 2)

The President said that when he talked to Dean he told him he understood the tactic of all three resigning and that Ehrlichman and Haldeman had offered to resign. Haldeman asked whether they had told him that the price of his immunity was that they resign, did they

feel that made their case or did he have to give them evidence? The President replied, "I don't know. He's going to have a tough time with that." (p. 3)

Ehrlichman told the President that his action plan involved the President's suspension or firing of Dean in the course of an historical explanation of the President's reliance on the Dean report and his apparent unreliability. The President replied that Garment had been in that day and said that it was going to come out anyway, and that was Petersen's view, as well. The President said Petersen told him on Sunday that it was all going to come out and Haldeman and Ehrlichman were going to resign. The President said he had asked Petersen again the preceding day, saying that it was "pretty damned flimsy," and Petersen said that he was not talking about legal exposure but about the fact that "as this stuff comes out they're going to be eaten, but eaten alive" and that the clamor will be something the President could not stand. The President said he asked Petersen if it would be better "to get leave or something," and he said, "No, this is the government," that they couldn't later have Haldeman against Dean, and Haldeman against Ehrlichman, Ehrlichman against Dean, because they'd definitely say, "Mr. President, can't you let these fellas - - -" (pp. 3-4)

The President said, "That's an argument to be made," that it was Garment's argument and he guessed Rose agreed with it. The

President said that his problem was "at the present time, I just don't want to have to talk to each of these sideline people individually, 'cause I don't know." After some discussion of whether a Times leak was from Garment or the Justice Department, the President said that Dean supported the Garment plan and had talked to Garment. (p. 4) Ehrlichman said that Dean had talked "to everybody in this place," and the President said, "I told him not to talk to him any more." The President then said, "But you see Dean -- let's see, what the hell -- what's he got with regard to the President? He came and talked to me, as you will recall, about the need for \$120,000 for clemencies --" Ehrlichman said, "You told me that the other day, I didn't know that before," and Haldeman said, "so what?" The President continued, "I said, what in the world John, I mean, I said John you can't (unintelligible) on this short notice. What's it cost (unintelligible) I sort of laughed and said, 'Well, I guess you could get that.'" Ehrlichman asked, "Now is he holding that over your head?" The President replied, "No, No, No, I don't think Dean would go so far as to get into any conversation he had with the President -- even Dean I don't think." Haldeman said Dean could not, mentioning executive privilege. The President said, "[Y]ou've got to figure that Dean could put out something with somebody else." The President said to Ehrlichman that that was the only thing Dean had told him but that he had not yet asked him about the Liddy thing with Ehrlichman. Ehrlichman said, "Oh well,

they'll be one of those a day." The President asked, "Well, the point is can we survive it? . . . Can Haldeman and Ehrlichman survive it." The President said he knew that "you'll go out and throw yourselves on a damned sword," that they were "the two most valuable members on the staff. . . [,] the two most loyal and the two most honest." The problem, the President said, was that "I do not want to be in a position where the damned public clamor as it did with Eisenhower, with Adams, makes it necessary or calls -- to have Bob come in one day and say, 'Well Mr. President, the public -- blah blah blah -- I'm going to leave.'" That was the real problem, the President said, and he didn't think kicking Dean out would do it, though he was not ruling out kicking him out. "But I think you got to figure what to hell does Dean know. What kind of blackmail does he have? I don't know what all he does --" (pp. 5-6)

Ehrlichman then suggested that the President had Dean telling him that he had talked to the U. S. Attorney and told him a lot of things he had done wrong, so the President should put him on leave. The President said that he had asked Dean that, and Dean said he would go on leave along with Haldeman and Ehrlichman. Ehrlichman said that Dean was not in any position to bargain with the President on that. The President said that Ehrlichman had been charged by a U.S. Attorney and Petersen, but Petersen was not charging Ehrlichman with legal wrongs. Ehrlichman said that was what he meant, that he understood the difference, and that Dean had broken the law. The President said Petersen had told him that, because of the evidence,

"Haldeman and Ehrlichman should (unintelligible) now I'm faced with that damned hardship." (pp. 6-7) At this point in the transcript, there is a deletion of "material not related to presidential actions." (p. 7)

The President then returned to Colson's thought that it would be in order not to give immunity and asked what he should tell Petersen about immunity for Haldeman and Ehrlichman. Haldeman replied, "Well, tell him not to give us immunity either." The President said, "(unintelligible) that's a problem. Now, come on!" Haldeman said that it was none of his (presumably Petersen's) business whether the President suspended them or not, it was the President's decision. The President said he knew it was, but that if he didn't suspend them, he (presumably Petersen) would give him (presumably Dean) immunity. "That's the problem (unintelligible) unbearable." Dean, said the President, "is the guy that he's got to use for the purpose of making the case." (pp. 7-8)

The President said Petersen said he legally had a case on Ehrlichman and that on Haldeman it would have a lot to do with what Strachan and Kalmbach said, "the 350 thing and that sort of thing." Haldeman said, "Kalmbach has no relation to me on that." The President asked, "Have you given any thought to what the line ought to be -- I don't mean a lie -- but a line, on raising the money for these defendants? Because both of you were aware of what was going on you see-- the raising of the money -- you were aware of it, right?" Ehrlichman said, "Yes, sir." The President continued,

"You see, you can't go in and say I didn't know what in hell he wanted the \$250 for." Haldeman said, "no." The President said, "You say that our purpose was to keep them from talking to the press," and Ehrlichman said that was his purpose and that before he got too far out on that he wanted to talk to an attorney and find out what the law was. The President replied, "Right!" Haldeman said, "That's just what I want to do too." The President said, "Right. Good." He continued that he thought that it involved "all our people," including Kalmbach and what Kalmbach was told. Ehrlichman told the President, "[W]hen the truth and fact of this is known, that building next door [EOB] is full of people who knew that money was being raised for these people." The President said, "Many who know, but there were not so many actors. In other words, there's a difference between actors and noticees." Ehrlichman said that he was not an actor and that he wanted the President to think very critically about the difference between knowledge of the general transactions going on and being an affirmative actor because that was the difference between him and Dean. (pp. 8-10)

Ehrlichman questioned whether in the orderly administration of justice it looked right for anybody in the White House to get immunity, no matter how many other people he implicated. (p. 10)

The President and Haldeman then discussed Garment's view on whether there should be a public statement that day. (pp. 10-11) The President then said that LaRue and Strachan had been called, Dean "might put up a story of the times," and "[y]ou never know. We don't

need a Haldeman/Ehrlichman." Ehrlichman replied that it was "typical Dean position"; if Dean was treated different from them, he would say he was a scapegoat for higher-ups. Haldeman said that figured because he knew Ostrow and Ostrow covered Justice. The President speculated about whether the press had any more; and Haldeman said that he thought they probably had more in the Committee, not in the White House, that he didn't know what it could be unless they got Colson stuff, and that Colson was the only area where there was any jeopardy in the White House. (pp. 11-12)

Colson's position with regard to Dean was further discussed. The President said that if he told Dean to leave that day Dean would go out and say that the President was covering up for Ehrlichman and Haldeman because the President knew what he knew. The President said, "I'm trying to look and see - John - what to hell we are really up against. First it was Liddy (unintelligible) scapegoat, now John Dean is." Haldeman said the answer, if Dean said it publicly, was that "the President is not covering up for anybody and will not tolerate -- The President said that the way Dean put it to him was very cute, that he said that if Haldeman and Ehrlichman were willing to resign he would too, leading the President to the conclusion that Dean was doing what his attorney told him to do. Ehrlichman agreed, saying that it would be argued to the U.S. Attorney that the President thought enough of Dean's charges to let these guys go. Dean, said Ehrlichman, had in effect confessed the commission of crimes to the President. The President said, "And charges you. . . .And I said, 'Now wait - these charges are not --' and you see he also has an alibi in the U.S. Attorney --" (pp. 12-14)

Ehrlichman returned to his plan, which he said would involve a recounting of how the President got into his personal investigation by reason of Dean's being unable to reduce his full report to writing for the President, that this rang a bell, and that the President personally turned to and had spent a great deal of time in the last several weeks on this and had seen dramatic progress in the grand jury in the last several days. That, said Ehrlichman, would be Step 1, and in addition the President would say that the Ervin committee had come up with a good set of ground rules. The President asked about executive privilege before the Ervin Committee. Ehrlichman said it was reserved, and the President said fine. Haldeman said, "At this point, the way we're in the soup now, we can lose nothing by going. . . .I think we may gain," and the President agreed. (pp. 14-15)

Ehrlichman said that was all he had for today, but he said, "[I]t gets you into the case -- its you leading it. It notices the progress and the Grand Jury as related to your efforts and it doesn't say what they are." The President said that the point was that the story today was that Dean was suspended and then Dean was going to be out saying the President had indicated that Haldeman and Ehrlichman might go, too. (p. 15)

Haldeman suggested that Dean not be suspended, but that he be instructed not to come to work any more, and that the same be done for him and Ehrlichman. Haldeman said he had concluded that his course was that he had to put out his story, in total and in

his words, before he went to the Senate Committee. The President said he thought Haldeman would never get to the Senate Committee because the hearings would never go forward. Haldeman said he thought there was no chance of their not going forward; it would be great if they did not and maybe then he would never tell his story; but his view was that at some point in time he was going to have to tell it. The President suggested that Haldeman reserve the right to tell his story until he felt he had to go to the Committee hearings or he got to a point where he was nibbled to death. Haldeman added until a partial charge came up, for instance if the grand jury leaked or the Justice people leaked the Strachan stuff, forcing his hand. (p. 16)

Subject to attorney's advice, Haldeman and Ehrlichman asked to be relieved of their normal duties in order to prepare for their appearance. Both asked to be able to come into the office, Ehrlichman saying that he needed to get to records, date books, and correspondence to prepare a defense. Ehrlichman told the President that he had "pretty much unplugged myself of my day-to-day stuff, because with this kind of stuff going on you just can't think about anything else." The President replied, "Of course, it's been a little hard for me to also." (pp. 16-18)

The President asked about Dean coming in and said he thought he had told Dean to have nothing more to do with this case. Ehrlichman said if that was so Dean was "sure not following out your orders." Ehrlichman said that he imagined Dean had "carted

stuff out of here by the bale," and Haldeman said that if the President suspended him or told him to leave in any way "you also move in to take care of his files." (pp. 18-19)

The President asked whether he could tell Dean that Haldeman and Ehrlichman had requested to be relieved of their main duties to prepare for their grand jury appearance. Haldeman said that the trap the President would be falling into there was that he would be admitting to Dean that he regarded the allegations Dean raised against Haldeman and Ehrlichman as of the same validity as Dean's own criminal admission to the President. The President said there were two different levels, and Ehrlichman said then that was the way it ought to be put. Ehrlichman said Dean had "brought in a lot of silly garbage about me which doesn't add up to a nickel's worth of a law suit," but had told the President that he had been involved "in all kinds of stuff," and it was "a very different qualitative problem." (p. 19)

The President wondered whether or not he trapped himself by telling Dean that both Haldeman and Ehrlichman offered to resign. Ehrlichman said he had offered to resign at the President's total and sole discretion and the President didn't have to have a reason. (pp. 19-20)

The President said that Petersen realized that before he could try to give Dean immunity he had to have corroborative testimony on the value of Dean's evidence and that was what Petersen was trying

to get by calling Strachan, Colson, Kalmbach, et al. The purpose, the President said, was to get corroborative evidence that Dean's evidence was so valuable as far as other people were concerned that he should therefore be given immunity. The President asked Ehrlichman if that made any sense. Ehrlichman said he didn't know, and the President said, "But you see what his tactic is?" (pp. 20-21)

Ehrlichman said he didn't know what the previous commitment to him (presumably Dean) was, but that he was not being fired or suspended, he was being directed to stay away from the office. The President said that he might put it that since he was talking to a U.S. Attorney, if he could put it that way "I might be able to make some hay. Bring the U.S. Attorney in. And I'll say don't give him immunity." Ehrlichman added, "From a public policy standpoint." The President again described what Petersen had told him. (p. 21)

Ehrlichman told the President, "If this is awkward for you, the best thing you should do is getrid of me, . . . once and for all." Anything short of that, Ehrlichman said, it seemed to him the President had to take into account qualitative differences. (p. 22)

Ehrlichman said that if the President did not want to make a formal suspension of Dean, the thing to say was "I want you to stay away from the office. Just don't come around, because I know everything that happens in this building is being funneled directly to the U.S. Attorney through you, or I have reason to think that, and I cannot have that situation." (p. 22)

The President asked Ehrlichman if his fear was Dean getting immunity, and Ehrlichman said it was that Dean or anybody in the White House getting immunity "is in itself treatable as a cover-up." Ehrlichman told the President that the things Ehrlichman would have to say about Dean would be "that Dean was the sole proprietor of this project, that he reported to the President, he reported to me only incidentally." The President asked about Dean's reporting to the President, and said to Ehrlichman that the problem Ehrlichman had there was that Dean had a point that Ehrlichman had to realize. Dean, the President said, did not see him until the day Ehrlichman told the President he ought to talk to Dean. The President said he thought that was in March. Ehrlichman replied, "All right," and repeated that the basic point was that Dean was in charge of this project. The President said, "He'll say he reports to the President through other people" Ehrlichman said, "Well, O.K. Then you see what you've got there is an imputation. He says . . . 'I told Ehrlichman that Liddy did it.' What he is saying is that, 'I told the President through Ehrlichman that Liddy did it.' " Haldeman said that meant that "it was perfectly acknowledged as far as Ehrlichman was concerned and there was nothing that you were required to do about it anyway." "That's right," Ehrlichman said, "But you see I get into a very funny defensive position then vis-a-vis you and vis-a-vis him, and it's very damned awkward." Ehrlichman said he hadn't thought it clear through and didn't know where they came out. (pp. 23-24)

The President referred to "Dean's little game here," and said of course Dean didn't report to the President. "I was a little busy," the President said, "and all of you said, 'let's let Dean handle that and keep him out of the President's office.' And maybe you didn't want him in there for other reasons too. But he did." (p. 24)

The President said that Dean would then say who the hell did he report to. Ehrlichman said, in many cases, to no one "[h]e just went ahead and did things." (p. 24)

Ehrlichman said that he had checked his records for last year and that he saw Dean less than five times a month. Matched against the substantive things he was doing, Ehrlichman said, "Dean becomes practically the least of my worries." The President asked Haldeman about his meetings with Dean, and Haldeman said he had no idea, he didn't have a log. The President said, "The only thing he doesn't have is the fact that should have come in to see me." The President guessed that Ziegler talked to him, and Ehrlichman said Moore had, frequently. The President said, "[B]ut I haven't talked to Moore either, have I?" Ehrlichman repeated that he had to think this through, he just didn't know where it led. (p. 25)

The President said that John Dean's highly sensitive information was on only one count. He said, "Strachan has got to be worked out. I don't know how that's going to work out." He asked Haldeman whether Strachan had the plan and said it remained to be seen what Strachan would say about whether he had a plan and

showed it to Haldeman. Haldeman told the President that he apparently said he did not. The President said the other point was whether Strachan got information that is clearly identifiable as being telephone taps. Strachan, said the President, would probably say it is not. "And so, that's that." (pp. 25-26)

Haldeman said that the discrepancy between Strachan and Magruder was because what Strachan got, it turned out, was not from that but something else. Strachan would say, Haldeman continued, that it was Operation GEMSTONE, not Operation SEDAN CHAIR -- and GEMSTONE wasn't Watergate, so that would uncover that there was something else they did. Haldeman said he didn't know what it was. The President told Haldeman that "they tell me that GEMSTONE was the code word for everything." Haldeman said he thought SEDAN CHAIR was the Watergate thing, that GEMSTONE is the total thing, then that was what Strachan got his reports from. And, Haldeman said, it was a "confidential sources indicate that . . . , "according to Strachan, and did not clearly identify. Haldeman said he couldn't tell the President anything else, and the President said, "I want you to know what he's told me." (pp. 26-27)

The President returned to the question of the options on Dean, "what we turn loose here." Ehrlichman suggested that the press plan might give them some guidance. Ehrlichman said that if they said in the press plan that the President got concerned, the question would be asked why the President did not get concerned sooner, since this had been in the paper for months and months. Ehrlichman suggested

the response could be that the President was resting secure in the belief that he had the whole story. Ehrlichman then asked, "Well, what made him insecure?" The President said, "Do I ever ask Dean in and ask him answers? The answer is no." Ehrlichman replied, "No, but the point is that you were resting secure on his assurances." (p. 27)

Haldeman asked the President whether he had not at some point got a report from Dean that nobody in the White House was involved, and Ehrlichman asked whether they hadn't put that out way back in August. The President said that it was never in writing, that Dean never came in and told him orally, that he had never seen John Dean about this matter until Ehrlichman suggested that he had better see John Dean. Ehrlichman told Haldeman that he had better check back in July, when they were in San Clemente, that his recollection was that Dean did come and see the President at that time. The President said, "Oh - by himself? No"; and Ehrlichman said by himself or with one of them, he didn't know. The President said, "He may have come in . . . I hope he did, I hope he did. But he might have come in sort of the end, and someone said, 'Look here's John Dean from Washington,' and I may have said, 'Thanks for all your hard work.'" (p. 28)

Ehrlichman suggested they "follow this line and see where it leads us." The President, said Ehrlichman, rested secure in the belief that his Counsel had investigated this and assured him that nobody in the White House was involved. Ehrlichman then asked, "[W]hat moved him off that belief and assurance? Well, what moved him off

was the sequence of events leading to John Dean being sent to Camp David to write it all down." The President said, "What moved him off first were reports that occurred in the court testimony." The President continued by saying that charges were made by McCord, and the President ordered a full investigation. Ehrlichman said, "Well, the first thing you did -- and maybe you can avoid saying this -- but you're saying you ordered a full press investigation when Dean came back and said to Bob, 'I can't write that down.'" The President said that Dean also told the President that. Ehrlichman said that then that rang a bell, because if Dean could not write that down "we must have problems bigger than I ever thought," and that was when the President put on "the full court press." The President asked if Ehrlichman had dates on this, and Ehrlichman said he did. (pp. 28-30)

Ehrlichman then spoke about what Dean said on that. Dean said, according to Ehrlichman, that the reason he could not write it down was that Dick Moore and others said, how could he write it down and draw the wagons up around the White House? Ehrlichman asked whether that phrase was not a Dean phrase. Haldeman said, "Sure," and that Dean's line was that "you could do that because there was no problem at the White House, the problems were at the Committee." The President asked what Dean's line was before he deserted, and said, "My point is -- you've got to watch out. He may say, 'Well, they were trying to get me -- conspired to get me to write a report that was untrue.'" Ehrlichman said he understood, except that Dean was sent to write it without anybody being near him, and the President

said, "Except Moore (unintelligible)" Ehrlichman said that he was sure that when Dean went through this exercise it was impossible for him to write it down without it being a confession and that Dean said, "My God, I don't know how this case is going to break, but I'm crazy to have a piece of paper like that around," (p. 30)

The President asked who had conducted the investigation. Ehrlichman said the way they had it, it didn't say. Haldeman said other staff members, Ehrlichman, Moore, Garment, Haldeman. The President said, "That's right." (p. 31)

Ehrlichman continued that the President had then contacted some people and told them not to hold back on his account. The President said, "Yes, like Hunt -- Liddy" and, Ehrlichman added, Mitchell and Magruder. The President said, "I passed the word to all sources that everybody was to talk, to tell the truth, which I had done previously. . . . I reaffirmed specific terms to specific people." Haldeman suggested that the President had reason to believe that they might have a misapprehension on it. The President asked who were those people, and said that he should not say. Haldeman agreed, and the President continued that you could not list the people because it would prejudice them. The President said he talked to all parties concerned and told them that if there was a shred of information they might have on the case, he reaffirmed what he had said publicly that they must cooperate fully and tell the whole truth. Then, the

President said, they came to the preceding weekend, and on Saturday a major development occurred. The President said that he could not say "that as a result --," that would be an overstatement.
(pp. 31-32)

On Sunday, the President continued, he could not say he talked with Kleindienst. Ehrlichman reminded the President he had informed Kleindienst on Saturday. The President said he had informed Kleindienst, and that in response to the question whether the President had informed Kleindienst in person, he could say he had passed the information. At his direction, the President continued, Ehrlichman filled in the Attorney General completely on the information they had found. Ehrlichman said that Ziegler or the President could then turn it over to Petersen and let Petersen say something innocuous. The President continued that he had directed Petersen to "direct me personally on any developments" and that any member of the White House staff or the Federal Government was to be available to the grand jury and would be directed by the President to testify. Then, the President said, "you come to the next thing," and he described "Garment's scenario," that the President had asked any government people who were directly or indirectly subjects of the investigation to be relieved of their duties. Anyone who refused to cooperate would be dismissed, and anyone would be given leave until his trial was finished and he had an opportunity to have his day in court. (pp. 32-33)

Ehrlichman raised the question of anyone granted immunity. The President said, "[W]e're not telling Dean not to talk. I direct everybody to talk, but nobody is to given immunity." Ehrlichman said, "In other words, . . . there are plenty of ways of proving a case around here -- besides granting some fellow immunity. . . . You don't need that, and it looks like what you are doing is letting somebody off scott free." The President said, "That's right. Also, it looks like a cover-up." Haldeman added, "And particularly somebody - personally associated - in this case." Ehrlichman suggested that maybe the point Petersen was missing, maybe intentionally, was that Dean was "a major act in this thing." "[I]f a major actor gets immunity and just walks away from the White House having committed 89 crimes," Ehrlichman said, and "it was the President's Justice Department and the guy who ran it reported to the President daily, that would say, 'Gee, I didn't want my Counsel to get hurt.'" (pp. 34-35)

The President asked whether he should have any more conversations with Dean. Ehrlichman said he should not, he should send him a note or have Kehrli or somebody call him and tell him not to come to work anymore, that he wasn't suspended or fired, but that he was not to come into the office. The President said, "That's a good tough way," and asked what Dean could do. Ehrlichman said he thought he could not do anything. Haldeman said Dean hadn't been to work for a month anyway, and Ehrlichman said he had been talking to the U.S. Attorney the whole time. The President said he had called Dean that morning and told him he wanted to talk to him about that

appointment June 19, but he didn't think he had better get into than any more. And, the President said, "he's going to give me some song and dance." (pp. 35-36)

Ehrlichman told the President "for your private information" that he had gone back to the participants in the meeting where he was supposed to have ordered that Hunt should be sent out of the country and to a man they said it didn't happen, that if it had happened they said it would have been burned into their recollection. (p. 36)

The President then said "You better damn well remember being -- The main thing is this, John, and when you meet with the lawyers -- and you Bob, and I hope Strachan has been told -- believe me -- don't try to hedge anything before the damned Grand Jury. I'm not talking about morality, but I'm talking about the vulnerabilities." Ehrlichman said, "Sure, good advice." The President continued, "You guys -- damnit -- I know you haven't done a damned thing. I do know this -- they've tried to track on prejury [sic] -- you're going have that --" Ehrlichman said, "Fortunately I have good records," that he knew who was in the meeting and so was able to call. (pp. 36-37)

The President said that the point was "now they talked to people." He said that he supposed Fielding had put those things in the bag, and Ehrlichman replied that it was Fielding or Dean, he didn't know. The President asked whether he inventoried and who was to testify what was in the bag. Ehrlichman said he didn't know. (p. 37)

Ehrlichman said that Dean was the guy who made the call sending Hunt out of the country and on Friday Dean had called Colson and asked him whether he remembered the meeting in Ehrlichman's office where Ehrlichman had said deep-six and send Hunt out of the country. According to Ehrlichman, Colson told Dean it never happened. Ehrlichman said that Dean was "out around planting his seeds," and Haldeman said that Dean was playing "the Magruder game - flying from flower to flower - planting his pollen." The President said, "I think those (unintelligible) you got very clever liars. I told you this before -- very clever liars." (pp. 37-38)

The President returned to the subject of what to do with Dean. Ehrlichman suggested that the President tell Dean that he could not have Dean "sit there as an agent of the U. S. Attorney," and the President said he had indicated that already. Dean's files were then discussed. Haldeman said that Dean "will say the same thing you [presumably Ehrlichman] just said," that he needed his files to prepare for the grand jury. If the President was telling Dean not to come in, Haldeman said, Dean would say he would send a truck over and have his files brought to his home. Haldeman suggested that the President tell Dean that all the files were the President's, and Ehrlichman suggested they wait until the question came up. The President said, "I don't think you can write him a note. It's going to anger him anyway. No sense in doing that. See what I mean? We've got to remember whatever he is doing -- I don't mean that you can't -- he's going to do anything to save his ass. That's what is

involved. . . .You got to remember (unintelligible) he put this a lot higher. He could say, 'Well, I told the President about \$127,000, that we needed \$127,000 and the President said, well I don't know where we could get it, I don't know.'" Haldeman said, "How could you do that though -- that's true (unintelligible)." (pp. 38-40)

Ehrlichman said, "I'll tell you how you might be able to handle that." The FBI had just served a subpoena on the White House police, Ehrlichman said, asking that they produce the names of people cleared into the WH/EOB complex on June 18, 1972. The President asked where they were then, and Haldeman said they were in Florida. The President said, "Well, maybe that's an unsafe thing." Haldeman said that that was "your other problem," there was a WH legal case and no WH lawyer. (pp. 40-41)

The President asked where Fielding stood on all this, and Haldeman said that Dean sponsored Fielding, but that did not necessarily mean Fielding went Dean's way. Haldeman said Fielding was "an honorable guy -- provincially so -- who may not like what Dean is doing any more than we do." (p. 41)

The President asked if what they wanted to do was get Dean out of the WH, but Colson's recommendation was to fire him. Ehrlichman said Colson would like to discredit him, and the President said he knew, "[b]ut the question is what he could do to discredit us. . . . That's a problem." Haldeman said, "Yeah. But I think at some point,

like you do on anything else, you gotta face up to the fact that the guy is either a friend or a foe -- or a neutral. If he's a neutral you don't have to worry about him; if he's a friend you rely on him, if he's a foe you fight him and this guy -- it seems at this point -- is a foe." (pp. 41-42)

The President said that when he talked to Dean he had told him, "Now John, any conversations are (unintelligible). . . . Anything (unintelligible) National Security are (unintelligible) you understand?" and Dean had said, "Yes." Haldeman said Dean said it and it was no problem for him to say it, but it was no problem for Dean to say a lot of things to them over the last couple of weeks. The President said, "The point is, if you break it off with him, then he could go out and say, 'Screw the (unintelligible).'" Haldeman replied, "No he can't. It's not his privilege. It's yours." The President said, "I know it's mine, but --"

The President then said, "Well, I think you have to charge Henry Petersen or whoever is in charge here with protecting your privilege and then that's got to go down to Silberman [presumably Silbert] and Silberman has to be cautioned that he is not to go into matters of executive privilege - he is not to go into matters of national security importance. Any matters involving a conversation with the President -- or national security, anything like that, they can ask me," (pp. 42-43)

Ehrlichman then talked about "this caper in California," the Hunt "national security connected Ellsberg" thing. Ehrlichman said he thought Petersen knew about it, that it was laying around someplace over there. Ehrlichman said Colson had asked him how to handle the question if it came up, and Ehrlichman said he told Colson that he would say it was a national security project and he would have to refer a question on it to the President for a waiver of executive privilege if the President desired to do that. Ehrlichman said Colson asked whether he could say the same thing and that he had told Colson he did not know whether Colson could or not. He said Colson asked what the President would say if it were referred to him and that he had told Colson he did not know and would ask the President. The President told Ehrlichman that was what they would say and he could tell Colson that. The President said, "Anything on the (unintelligible) thing, the plumbing thing was national security, the ITT thing. No, I can't believe it was that -- you know -- the Hunt thing there. That will just have to handle the way it is." (pp. 43-44)

Ehrlichman said that whoever operated this at the Justice Department had to be told that the inquiry must not jeopardize the President's privilege. "Some day they're going to try and put you in a crunch spot." The President said, "Sure." Ehrlichman said that they would put a question to him and he would say he could not take that question and would be back to the President and "it's going to be hard." The President said, "No turning it off. It's national security." Ehrlichman said, "Or if it is something that you and I have discussed directly," and the President said, "(expletive removed) it." (pp. 44-45)

The President then raised the subject of the talk to the President about "\$127,000 we had to get or were able to get it or something." The President said he did not know why it was at that point that they were still working on money for Hunt. Haldeman said that was the one Bittman got to Dean on, that "[h]e really cranked on it" and was very concerned or professed to be concerned because Bittman's threat was that Hunt said that if they did not get it for him he was going to tell them about all the seamy things he did for Ehrlichman. Haldeman said that, when Dean hit Ehrlichman on that, Ehrlichman's immediate reaction was to let him go ahead, there was nothing he could harg Ehrlichman on. Haldeman said that Dean did not like that answer and went on worrying about the money. The President said, "Told me about it." Haldeman said that he had told the President and told Haldeman, that Haldeman was there when Dean told the President. The President said, "Good. What did we say?" He reminded Haldeman that Dean had said "How much is it going to cost to keep these, these guys (unintelligible)" and the President had just shook his head. Haldeman said, "If there's blackmail here, then we're into a thing that's just ridiculous . . . but you can't say it's a million dollars. It may be \$10 million dollars. And that we ought not to be in this --" The President said, "That's right. That's right." Haldeman continued, "We left it - that - we can't do anything about it anyway. We don't have any money, and it isn't a question to be directed here. This is something relates to Mitchell's problem, Ehrlichman has no problem with this thing with Hunt. And

Ehrlichman said '(expletive removed), if you're going to get into blackmail, to hell with it. ''' The President said, "Good (unintelligible) Thank God you were in there when it happened." He asked Haldeman if he remembered the conversation, and Haldeman said yes. The President asked, "I didn't tell him to go get the money did I?" and Haldeman said no. "You didn't either did you?" the President asked, and Haldeman replied, "Absolutely not! I said you got to talk to Mitchell. This is something you've got to work out with Mitchell -- not here -- there's nothing we can do about it here." The President said to Ehrlichman, "We've got a pretty good record on that one, John, at least." (pp. 45-47)

Haldeman said that there were "a couple of complications he can throw in there" which would be of concern, but that Haldeman could not "see him sinking low enough to use that." Haldeman admitted that "the guy has really turned into an unbelievable disaster for us," but he was not "unAmerican and anti-Nixon." Haldeman said that during that period Dean had "busted his ass trying to work this out," and it "wore him to a frazel [sic]," and that Haldeman thought "it probably wore him past the point of rationality." Haldeman said he thought Dean might now be in a mental state that was causing him to do things that "when he sobers up, he's going to be very disturbed about with himself." The President said that part of the problem also was probably that he had a very, very clever new lawyer. Haldeman said that could very well be, but that he could not believe that Dean was a basically dishonorable guy. (pp. 47-48)

The President said "But in that conversation I was -- we were -- I was -- I said, 'Well for (expletive removed), let's --'" Haldeman told the President, "You explored in that conversation the possibility of whether such kinds of money could be raised. You said, 'Well, we ought to be able to raise --'" The President said "That's right," Haldeman continued "'How much money is involved?'" and he said, 'Well it could be a million dollars.' You said, 'That's ridiculous. You can't say a million. Maybe you say a million, it may be 2 or 10, and 11.'" The President said "But then we got into the blackmail," and Haldeman told the President, "You said, 'Once you start down the path with blackmail it's constant escalation!'" The President said "Yep. That's my only conversation with regard to that." Haldeman said "They could jump and then say, 'Yes, well that was morally wrong. What you should have said is that blackmail is wrong not that it's too costly.'" The President replied, "Oh, well that point (inaudible) investigation -- . . . You see my point? We were then in the business of -- this was one of Dean's -- when he was . . ." The President asked whether it was after they sent him to Camp David. (p. 48)

After some discussion of when that was, the President said "I suppose then we should have cut - shut it off, 'cause later on you met in your office and Mitchell said, 'That was taken care of.'" Haldeman said that was the next day, and the President said that Dean was there and said, "What about this money for Hunt?" Haldeman said that what had happened was that he, Ehrlichman, Dean and Mitchell were

in Haldeman's office discussing other matters, and that Mitchell had turned to Dean and said something like "Let me raise another point. Ah, have you taken care of the other problem - the Hunt problem?" Haldeman said he didn't know how Mitchell referred to it, but they all knew instantly what he meant. Haldeman said Dean looked a little flustered and said no, he didn't know where that was, and Mitchell said "Well I guess[sic] it's taken care of." Haldeman told the President, "And so we assumed from that that Mitchell had taken care of it, and there was no further squeak out of it so I now do assume that Mitchell took care of it." Haldeman said LaRue was Mitchell's agent, and the President said, "I understand that. . . . I'm just seeing what Dean's lines of attack are." Haldeman said there was no question he, Haldeman, knew about it. The President said "Say, 'Yes, there was talk about it and so forth - and Mitchell took care of it.'" (pp. 49-50)

Haldeman said that "Dean is the agent on it. Dean is coming in and saying what should I do. Dean's the agent on all this - that's where my money goes. All the input to me about the 350 came from Dean, and all the output came from Dean." Haldeman said that Dean said they needed the money for the defense, for their fees, that it was always put that way, that was the way it was always discussed. The President said "Right - that's why I want that line. I think that's most important. You can work on -- Get a lawyer." (p. 50)

Haldeman said that he told Dean that they had the 350 (actually, Haldeman said, it was 328) in cash that they had to get turned back to the Committee, apparently they had a need for money, so they had a coincidence and Dean ought to be able to work out some way to get them to take the cash. Haldeman said he told Dean that would "take care of our needs and we help meet their needs." Haldeman told the President that Dean went back to Mitchell and Mitchell wouldn't do it. Then, Haldeman said, they agreed to take forty thousand of it, which they did, and shortly thereafter to take the rest, which they did. Haldeman said it was not before the election, and the President said that Dean said it was. Haldeman said Strachan said it was in late November, the 30th or something like that. (p. 51)

Ehrlichman said that it was Howard, not Strachan, that went over with Colson's partner as his lawyer. Haldeman said that Strachan acquired his lawyer from somebody he knew in law school. Ehrlichman said Colson had pitched him to retain his partner, which Ehrlichman thought would be a mistake. The President said, "You can't retain his partner." Ehrlichman said it would be a big mistake because it would create identity between him and Colson, and Haldeman said Ehrlichman would be out of his mind to do it. The President said, "Don't get in there with Colson. He'll defend himself." Haldeman said that Colson saw that as a way of getting in and they should

not give Colson reason to get squeamish. Ehrlichman said he was cultivating him, keeping him on the team, and that Colson felt there was a coincidence of interest between the President, Ehrlichman, and Colson. The President said, "Right. Fine." (pp. 51-52)

The President went back to the question of whether they should make a statement that day, saying he thought they should. Haldeman agreed, and said Ziegler should make it. Ehrlichman said that it should be a carefully limited statement, and the President said, "No questions." Ehrlichman said he thought it should be very tight, very conservative, thought through "so that you can stay away from the soft places." He said that across the country people were waiting to see the President's face on the evening news talking about the Watergate case and making more assurances. Haldeman said that the Watergate story was on page 19 in the Washington Post that day, and the President said, "And it'll be page 19 five months from now if we handle it right." (pp. 52-53)

The President returned to the subject of Dean, and Ehrlichman said that if the President could get the result of having Dean out of the office, he wouldn't worry about the files. Ehrlichman suggested that the President could put in on the basis that he could get a file he needed on loan, so that the President would at least be able to monitor what he got. Ehrlichman said the President should tell him that in view of his relationship with the U.S. Attorney's office, the President did not think it was

prudent for him to be on the grounds and that he would have to work someplace else. Haldeman suggested the President could say that there would be no appearance problem because Dean had been away for a month anyway. Ehrlichman agreed, and continued that if they were asked in the press room about Dean's status, they could finesse it, and say he had not been placed on leave or fired. Ehrlichman told the President he could say to Dean that if Dean didn't bring it up, they wouldn't, and that if it leaked it would have to leak from Dean. Ehrlichman suggested that the President tell Dean that he would make an appropriate arrangement with Haldeman and Ehrlichman, but that he could not be in a position to have Dean dictate to him what it should be. The President said, "I can tell him, 'I've made an appropriate arrangement, but it's got to be in my own way, depending upon what each is doing.'" The President said that they were not asking anybody to resign because that would prejudice their rights. The President asked Ehrlichman if he was rejecting the Garment proposal that everybody leave until everybody is clear. Ehrlichman said that he thought a leave was the same as being fired in this context. (pp. 54-55)

The President said that his view of what was going to happen was that when they had finally made their deal with Magruder, they would take him into open court, and then charges would be made, at least as far as Magruder was concerned. Haldeman asked if they said Magruder made charges against him. The President

said he didn't know whether or not he did, but he was certainly going to say that Dean and Mitchell were involved. Ehrlichman added that he would say Strachan was involved. Ehrlichman said that Strachan was Haldeman's employee, but that if the judge asked if Haldeman told him to do anything or this or that, Strachan would say no, Haldeman was never involved in this. Haldeman and Ehrlichman said that was what he told them he would say, and Haldeman said that he flatly said that was the truth, and it was the truth. (pp. 56-57)

The President asked Haldeman and Ehrlichman about "being eaten away and then having to come in and say look, 'I'm so impaired, I --.'" Haldeman said he didn't expect to be eaten away. He said he thought that when he got hit publicly, say by Magruder or by Dean, as soon as he was known publicly, he should request the President to give him a leave of absence so he could deal with the matter until it was cleared up. The President asked Ehrlichman if he agreed. Ehrlichman replied that it would depend a little bit on degree. (p. 57)

The President asked what if the Assistant Attorney General came in and said Magruder and Dean had made charges and suggested the President should act. Ehrlichman said that the President should tell the Assistant Attorney General that his policy was that he would immediately suspend anyone against whom formal charges were filed and say, "This is a town that is so full of wild charges that if I operated on any other basis, even of those who were brought

to me by 20 Bishops and an Attorney General, I couldn't be suspending people around here or the place would look like a piece of Swiss cheese. But let me suggest you do this. You go ahead and diligently pursue the Haldeman and Ehrlichman case because I need to know." Ehrlichman continued that the President should tell the Assistant Attorney General that if he came to the President and told him he had filed charges, the President would have no discretion. The President said that if he told him he was planning to indict, he would move instantly, before it was done publicly. Ehrlichman said the President should say he couldn't treat them different than anybody else, that "you have brought me basically, uncorroborated charges. You've said so yourself that you aren't going to be able to deal with Dean." The President said, "I feel comfortable with that." (pp. 57-59)

Ehrlichman mentioned that the New York Times was writing an editorial about a terrible cancer at the heart of the Presidency, that there must be drastic surgery. Ehrlichman said that they would hear a lot of that and maybe the thing to do was for Ziegler to make a statement on the President's policy. The President suggested he should say that today, and there was discussion of getting Ziegler in to get the statement ready. Ehrlichman and Haldeman discussed with the President how their offices should be handled during the next couple of weeks. (pp. 59-61)

Haldeman suggested that each charge was something they would have to deal with at the time because the context could not be anticipated, the newspaper stories could not be. Haldeman said another argument against taking any action regarding him was that he was not in the thing at all in the public mind and "it would be startling as hell." (p. 62)

The President, Ziegler, and Ehrlichman discussed the brief statement for that day. (pp. 62-63)

The President asked Ehrlichman "what it is worth to us to get him [Dean] out of that damned office." Ehrlichman said the alternative was "somehow or other to pass the word to everybody in the place that he's a piranha." Ehrlichman said he didn't know how to do that. By everybody in the place, Ehrlichman told the President, he meant people like the White House Police, the Secret Service, a guy like Dick Howard, so that if they got a subpoena they shouldn't ask Dean what to do. There was then a discussion of who should be Acting Counsel, with apparent agreement that Fielding should be Acting Counsel, reporting to Dick Moore. (pp. 63-64)

The President again returned to what to tell Petersen, saying that he had better get Petersen in and flatly tell him that he could not let people go simply because charges were made until they were corroborated, that was his decision. Second, that he did not want anybody on the White House staff given immunity or

shown any consideration whatever. Third, that he was directing everybody to cooperate, but that he would not have a member of the White House staff testifying in the Senate against others. Ehrlichman suggested a fourth point to cover with Petersen was that, if, Ehrlichman was before the grand jury and was asked about Dean's information within the grand jury, he would have to say that Dean told him it came from Petersen. Ehrlichman continued that there was no point in the President's getting way out by saying to the press he was relying on Petersen as his good right hand and then have Petersen compromised at a later time. (pp. 65-66)

Haldeman told the President that until this was totally done, and maybe never, should the President express confidence in anybody, including Haldeman and Ehrlichman. Haldeman said it just didn't serve the cause properly. And, said Haldeman, the President should not say it about Petersen, Dean or anybody else, and Ron must not say it either. (pp. 66-67)

Ehrlichman mentioned a lawyer, Herbert Miller, who might be a possible substitute for Petersen, but the President said, "I don't know. This case is moving too fast. You call in a substitute and he's got to learn the damned case." Ehrlichman said that in his opinion Petersen was "feeding a bunch of baloney." Haldeman said that he understood Petersen told the President Strachan got very good treatment over there, and the President said, "No, no, no. He told me the opposite. . . . He said that Strachan just got the hell beat out of him." Haldeman said that was right and that Strachan was astonished,

that he had said it was just beyond belief, they had threatened his life practically. Ehrlichman said what they were trying to do was put him in the hands of an attorney who would deal for immunity. Haldeman said they were trying to get him to make the same play Magruder made; Ehrlichman said no doubt they "salvaged" Dean the same way, and they had scored on him. (pp. 67-68)

The discussion of a possible replacement for Petersen resumed. The President asked whether he should make that decision today, and Ehrlichman said everyday that went by was making it that much tougher on somebody new coming in. The President said, "This guy gets relieved, and says well I told the President that he ought to fire Haldeman and Ehrlichman and he fired Dean." Ehrlichman said he didn't think he (apparently Petersen) would say that; he was a pro; he'd been around this town a long time and he knew, if he said that, the President would come right back and say the reason he fired him was that he had reason to believe he was responsible for leaks out of the grand jury, and that would destroy him. (p. 69)

Ehrlichman said the President should call Dean and tell him that the President was going to make a statement that was not going to refer to Dean or anybody and that the President would deal with people on an individual basis. The President agreed. Haldeman said, "Maybe you ought to get Petersen in first to talk immunity." The President agreed. (pp. 69-70)

71. On April 17, 1973 from 2:39 to 2:40 p.m. the President had a telephone conversation with John Ehrlichman. There was a discussion of what the President would say to Petersen about immunity for top White House staff members.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
71.1 President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1388
71.2 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and John Ehrlichman, April 17, 1973, 2:39 - 2:40 p.m.....	1392

71.1 PRESIDENT NIXON DAILY DIARY, APRIL 17, 1973, EXHIBIT 48,
IN RE GRAND JURY, MISC. 47-73

PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)				DATE (Mo., Day, Yr.) APRIL 17, 1973 TIME DAY 9:18 a.m. TUESDAY
THE WHITE HOUSE WASHINGTON, D.C.				
TIME		PHONE P - Placed R - Received		
In	Out	To	ID	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

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Source: Misc. 47-73 In re Grand Jury Proceedings

PLACE DAY BEGAN		DATE (Mo., Day, Yr.)		
THE WHITE HOUSE WASHINGTON, D.C.		APRIL 17, 1973		
		TIME	DAY	
		12:19 p.m. TUESDAY		
TIME		PHONE		ACTIVITY
In	Out	P--Placed R--Received	Lo ID	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			The President met with:
12:35	2:20			Mr. Haldeman
2:10	2:17			John D. Ehrlichman, Assistant
				Ronald L. Ziegler, Press Secretary
2:30	2:40			The President met with Mr. Ziegler.
2:39	2:40	P		The President talked with Mr. Ehrlichman.
2:46	3:49			The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			The President met with:
				Mr. Haldeman
				Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			The President addressed members of the press on the developments in the Watergate case.
				White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			The President met with:
5:50	7:14			Secretary Rogers
5:50	7:14			Mr. Haldeman
				Mr. Ehrlichman
6:17	6:21	P		The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence.

71.1 PRESIDENT NIXON DAILY DIARY, APRIL 17, 1973, EXHIBIT 48,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

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PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Received	ID	ACTIVITY
In	Out			
7:36	7:33	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activities)				DATE (Mo., Day, Year) APRIL 17, 1973 TIME DAY 11:17 P.M. TUESDAY
TIME		PHONE P. Thru S. Received	ACTIVITY	
In	Out	To	LD	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.

SH/CD/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

APRIL 17, 1973, 2:39 P.M. to 2:40 P.M.

On April 17, 1973 the President placed a telephone call to John Ehrlichman. Their conversation lasted from 2:39 p.m. to 2:40 p.m. The President told Ehrlichman that he wanted to check the points Ehrlichman wanted the President to make to Petersen, who would be there in ten minutes. The first point, the President said, was no immunity "for any of the top three," but that it would be o.k. to give it to Strachan. The President asked Ehrlichman if he thought that was a good line, and Ehrlichman replied that he thought it was good. (p. 1)

Ehrlichman then listed three of the four points as he had written them down: to inform Petersen that the President was making a statement, the President's policy with regard to suspension and firing, and to inform Petersen privately about the President's policy with regard to immunity for top people. The President added leaks from the grand jury. (pp. 1-2)

The President's policy with regard to suspension and firing, Ehrlichman said, should be suspension for indictment and firing for conviction, and this would be in the statement he was drafting. Ehrlichman said that Petersen would tell the press this, and the President agreed. (p. 1) Later in the conversation, this subject was raised again. The President asked Ehrlichman if the policy was that he would accept resignations on charges or indictment. Ehrlichman replied in the negative, that it was suspension on indictment and resignation on conviction.

The President agreed, and said, "Everybody would know that. Suspension on indictment and resignation on refusing to cooperate." Ehrlichman added, "Or conviction," and the President agreed. (pp. 2-3)

The President then asked Ehrlichman about the "gray area" of charges. Ehrlichman said that the President would have to reserve the right, depending on the seriousness of the charge; that if there were a serious, corroborated charge, the President should tell Petersen he wanted Petersen to bring it to him and would reserve judgment on the individual case. (p. 3)

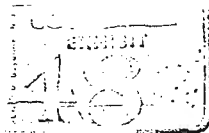
Earlier in the conversation, the President and Ehrlichman discussed immunity. Ehrlichman said that the President's policy with regard to immunity should not be limited to three, that he would say "any top person, like Dean or up." Ehrlichman said that "It will sell." The President told Ehrlichman he would then say to Petersen that he could do what he wanted with a fellow like Strachan, and "That strengthens the position." Ehrlichman said, "Colson, Dean, anybody of that kind, no dice." The President replied, "He has mentioned these four to me. I will just say that." (p. 2)

Ehrlichman mentioned the possibility of leaks out of the grand jury. Ehrlichman said that the President should put it to Petersen, "whether he doesn't think that later exposure would prejudice the whole investigation and whether he shouldn't withdraw at an appropriate time so that a replacement can be obtained." (p. 2)

72. On April 17, 1973 from 2:46 to 3:49 p.m. the President met with Henry Petersen. There was a discussion about whether Petersen had passed grand jury information to Dean and about whether Dean would be granted immunity. The President read to Petersen a proposed press statement and Petersen stated the difficulties which would be posed by a statement that the President opposed granting immunity to high White House officials. Petersen told the President that Gray had admitted receiving from Ehrlichman and Dean documents unrelated to Watergate taken from Hunt's safe. Petersen said that Gray said he had burned these documents without reading them.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
72.1 President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1396
72.2 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and Henry Petersen, April 17, 1973, 2:46 - 3:49 p.m.....	1400



USE
AN

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Agency)

808 11/17/73

DATE (Mo., Day, Yr.)
APRIL 17, 1973
TIME DAY
9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P - Placed R - Received		ACTIVITY
In	Out	To	From	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

Source: Misc. 47-73 In re Grand Jury Proceedings

WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 17, 1973
PLACE DAY BEGAN				TIME DAY 12:19 p.m. TUESDAY
THE WHITE HOUSE WASHINGTON, D.C.				
TIME		PHONE P--Placed R--Received		ACTIVITY
In	Out	Lo	ID	
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence.

72.1 PRESIDENT NIXON DAILY DIARY, APRIL 17, 1973, EXHIBIT 48,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Rcvd	ID	ACTIVITY
In	Out			
7:36	7:33	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activities)				DATE (Mo., Day, Year)
PLACE DAY BEGAN				TIME DAY
THE WHITE HOUSE WASHINGTON, D.C.				11:17 a.m. TUESDAY
TIME		PHONE		ACTIVITY
In	Out	P. Placed R. Received	LD	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.

SH/CD/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 17, 1973, 2:46 p.m. to 3:49 p.m.

On April 17, 1973, the President met in the Oval Office with Henry Petersen between 2:46 and 3:49 p.m. The meeting opened with the President asking, "anything new I need to know?" He said that he didn't want to be told "anything out of the Grand Jury" unless Petersen thought the President needed to know it. He said he needed to know it if it "corroborates something or anybody here," but otherwise he didn't want to know about it. The President remarked that while he had not been in touch with John Mitchell, "he might call me sometime and I don't want to be a position [sic] of ever saying anything, see?" He asked, "I guess it would be legal for me to know?" and Petersen said he thought it was, but the President replied, "Is it? Well, but don't do it, right." The President said he had talked with Rogers the night before, and that they were both concerned about the leaks from the Grand Jury proceedings, during the current session and during the preceding summer. (pp. 1-5)

The President said that John Dean, who was basically in charge of it for the White House during that period, "will probably have told people that he has information from the Grand Jury." (p. 3) He expressed his concern over the Department of Justice, and Petersen particularly getting embarrassed by this disclosure. Petersen said, "I have no concern about that." (p. 3) Petersen said that he had talked with John Dean about three things: (1) leaks, which Petersen said he frankly didn't take very seriously, "that's part and parcel of the Washington business; (2) Dean's

"personal involvement" in "securing . . . equipment and records in Hunt's office"; and (3) "status reports," in which Petersen "spoke to him in terms of ultimates," the results of Magruder's grand jury testimony, "but not the testimony itself." Petersen said that because Dean was "obviously an attorney for the Government" in addition to being counsel to the President, there was nothing improper in disclosing the Grand Jury proceedings to him. The President said, "Right -- well good, I am relieved to hear that." (pp. 6-7)

Earlier, the President had noted Rogers' suggestion that a special counsel be appointed because of the leaks, and presumably because of Dean's being privy to Grand Jury information. Petersen said, ". . . politically if someone wants to say -- as they said to Pat Gray -- you shouldn't have been talking to John Dean. Well, there is no way out of that." The President said, "That was perfectly proper for Pat Gray to talk to Dean you know -- as a matter of fact, it would be improper for him not to. . . . Dean was running the investigation of the damn thing and I certainly expected him to get all the FBI information he could." The President asked, "What the hell is the FBI for?" and commented that Gray "got a bad rap on that." (p. 7)

The discussion then turned to a White House statement being drafted for release that afternoon, which would deal with the Ervin Committee, executive privilege, immunity for White House aides, and other matters. The President reported that "we worked out a deal" with the Ervin Committee in which the "right of executive privilege will be reserved and all witnesses will appear in public session" and "all of our people in

executive sessions." Petersen wondered if "Senator Ervin will be willing to hold off public sessions that might interfere with the right of fair trial for the others." They both said they favored a delay in the committee hearings. The President said, "[I]f I were Mitchell I would be praying that the Committee" went forward, which "gives him delay if nothing else" and "a change of venue." Petersen said that the President's accommodation with the Ervin Committee "makes my job much easier" because Senator Ervin "would have been very suspicious if I had gone up there and there was still the possibility of some confrontation between you and he." (pp. 8-10)

The President said Dean naturally would have to go, because he has "admitted very deep complicity." He said he had let Rogers read what Petersen had given him and had elaborated on everything he knew and that Rogers' judgment was that on Ehrlichman it was "very thin." Petersen agreed. The President said, "They better have a damn lot more than that or they are not going to get Ehrlichman . . . on that -- they may get him on something else." He reminded Petersen that he said Dean said Liddy had told him everything on June 19th. The President asked, "Do you know when [Dean] told Ehrlichman?" The President said, "In California after Ehrlichman had been there in March -- February? -- in March The point is that Dean conducted his investigation and did not come to Ehrlichman and say 'look we have to go on Mitchell' because that's what that was really about." Petersen then told the President that what Liddy admitted was that he was present at the Watergate, that Dean "knew from prior dealings that Liddy was involved," and referred to the February, 1972 meeting in John Mitchell's office to show that "Dean knew what Liddy was up to." And Petersen said that Dean told Haldeman that

"we should . . . not be involved with that --" (pp. 10-13)

The President described his proposal for what to do with White House people. He proposed that "anyone who refused to cooperate will, of course, be sacked immediately. Anyone who is indicted at this time will be put on leave -- indefinite leave -- until he is tried." And "if any charge is made publicly . . . in open court . . . which corroborate in any way against anybody on the White House staff then he will be asked to take leave also." And the President predicted that those who were asked to take leave will resign. Petersen explained that the proposed Magruder indictment would name unindicted co-conspirators, against whom sufficient evidence was available so that they could be charged. The President said that unindicted co-conspirators would also be put on leave from the White House. (pp. 13-18)

The conversation then shifted to the question of immunity for the President's aides. The President said, "I say this strongly - I have thought about it a lot I don't care what you do on immunity to Strachan or any other second people but you can't give immunity to any top people - not Dean - needless to say you don't want to to Haldeman or Ehrlichman." Petersen maintained that although he didn't want to have to give immunity, the prosecutor had to have the right to make that decision. The President said, ". . . because your close relationship with Dean [sic]... it would look like a straight deal. . . ." He continued, "The prosecutor has got to know -- I can say as far as the President is concerned if John Dean gets (inaudible) then I don't care -- but Ehrlichman, Haldeman and all the rest (inaudible) -- why the hell did we give him immunization and not the poor damn Cubans? It just doesn't sound right. . . . It doesn't sound right --

it isn't going to sound good for you -- because of your relationship -- it isn't going to sound good for the President." (pp. 18-20)

Petersen agreed "it's going to look awful," but said, "the thing that scares the hell out of me is . . . suppose Dean is the only key to Haldeman and Ehrlichman and the refusal to immunize Dean means that Haldeman and Ehrlichman go free." Petersen said that was the decision "we are going to ultimately come down to." The President replied, "Well you will have to come in to me with what you've got (inaudible) then there . . . and let me handle Haldeman and Ehrlichman." The President said, "[Y]ou can't in good conscience say that you are going to send Haldeman and Ehrlichman -- or anybody for that matter -- or Colson -- down the tube on the uncorroborated evidence of John Dean"; and Petersen said, "Precisely right." The President said that if Petersen came in with Dean plus corroboration, "then we have a difficult decision on whether or not we want to immunize him." Petersen said, "That is the importance of Strachan." As an example, the President said, suppose Dean gave uncorroborated testimony that he told Ehrlichman about the Liddy plan in March. ". . . You wouldn't sack Ehrlichman for that?", the President asked. Petersen said he would not prosecute Ehrlichman for that, but if Petersen were the President he would sack Ehrlichman. Petersen explained that if Ehrlichman were a junior partner in the Petersen-Nixon law firm in Oshkosh, he would not fire him, but Ehrlichman is a senior advisor to the President of the United States. "That is the difference," said Petersen. (pp. 20-23)

The President continued to maintain that immunity should not be given to Dean if he offered only uncorroborated evidence, noting that it would

look particularly bad since "he's the guy that sunk Pat Gray." Petersen had interjected his concern that as "one of the public I see it perhaps more clearly -- at least from a different point of view . . . that it's just the things that they have done impairs you." He also said that he has been arguing with his own prosecutors on immunity for Dean. The President said that he felt strongly about immunity, but "just understand I am not trying to protect anybody -- I want the damn facts if you can get the facts from Dean and I don't care whether -- ". Petersen replied, "Mr. President, if I thought you were trying to protect somebody, I would have walked out." (pp. 23-27)

The President said that based on Petersen's information and "just a little feel of the whole thing," he would make his decisions. The President said he had to get a handle on it to determine what he was going to do when charges are made, even if people are not indicted but named as co-conspirators. Petersen then suggested that in the Magruder indictment, "everybody but Haldeman and Ehrlichman" might be named as unindicted co-conspirators. Mitchell, LaRue, Mardian and Dean were mentioned. The President suggested Colson. "Colson was a big fish in my opinion," he said. Petersen said that leaving Haldeman and Ehrlichman out of the indictment "was to give you time and room to maneuver with respect to the two of them," and that they should be asked to leave nevertheless. "Well you really ought to include them (inaudible) if you include the others," the President responded. Petersen reiterated his belief that "they have made you . . . very very vulnerable to rather severe criticism because of their actions. At least in public forums they eroded confidence in the office of the Presidency by their actions." (pp. 27-30)

The President said, "Well, let's begin with this proposition.

Let's not get in the wicket where we've got Dean in an immunity position. He'll talk. He'll talk." Petersen asked if the President had decided to accept Dean's resignation and the President said, no, he had decided he had to treat them all the same. Petersen said that if the President accepted Dean's resignation, Dean would talk to the press immediately. The President said he had told Dean he would handle them all the same; he would not "condemn" Dean until he has a chance to present himself; he was going to "put all three in the same bag." They discussed Strachan, and Petersen said Strachan at that point was debating whether he wanted to be a potential defendant or a witness. Petersen said that there was probably not enough evidence to implicate Strachan as a principal; that in their judgment he was a fringe character, but that he might be used as a witness and given "immunity by estoppel." (pp. 30-33)

They returned to the question of offering immunity to Dean. The President said, ". . . I am not trying to do Dean in -- I would like to see him save himself but I think find a way to do it without -- if you go the immunity route I think we are going to catch holy hell for it." Petersen said it scared hell out of him and was the toughest decision facing him. They agreed that Dean probably would not talk without immunity. Petersen said that they were trying to persuade Dean to plead guilty to a one count felony indictment, just as Magruder agreed to do. "Dean's lawyers," Petersen said, "say we will try this whole damn Administration." The President said, "Yeah, I know. I heard that. So that puts you in a hard spot." (pp. 33-35)

Petersen mentioned his shock over Mitchell's involvement. The President said that what happened was that "Hunt and that whole bunch conducted this (inaudible) Mitchell wasn't minding the store and Magruder is a weak fellow -- and the damn thing -- and afterwards they compounded it They were caught in it and they said -- Oh we can't -- and basically they were trying to protect Mitchell -- let's face it. You know that." Petersen said that when LaRue testified about Mitchell, he "just broke down and started to cry. It is a terrible thing" The President said "(inaudible) as we all do, but we are going to do the right thing. Don't you worry about that. I am trying to do the right thing in the way that is" Petersen replied, "Mr. President, if I didn't have confidence in you -- I wouldn't be here." (pp. 35-37)

Petersen said that Liddy had met with his attorney, and they again returned to the question of immunity for Dean. Petersen reported on the differing versions of what instructions were given to L. Patrick Gray when Dean and Ehrlichman gave Gray "two manilla envelopes" from Hunt's office, and on Gray's story of burning them without looking at the contents. (pp. 37-40)

At this point, someone apparently delivered to the President drafts of White House statements on (1) agreeing with the Senate Select Committee on ground rules regarding executive privilege and testimony of White House aides in the forthcoming hearings, and (2) the President's policy towards White House aides implicated in the Watergate investigation. The President repeated his position that no White House aides should be granted immunity, but Petersen argued that to make that statement publicly would take away a prosecutorial

tool. (pp. 40-45) After talking about the draft, the President said, "I want to be very clear on the Haldeman/Ehrlichman thing. That if they were left out of the non-indictable list it gives me a little running room." Petersen agreed, but said that they would probably be implicated by Magruder in a court statement, so "it makes your practical difficulties just as severe as if we had named him in the first place." (pp. 46-47)

Petersen said, "I guarantee you at least twelve hours notice" before Magruder's court appearance. The President noted, "I don't want the Washington Post to break this case," but rather the Department of Justice or the White House. (pp. 47-48)

The President asked about Colson. Petersen related Colson's plea to Ehrlichman for leniency for the Watergate defendants, and the involvement of Bittman, Mrs. Hunt, LaRue and Kalmbach in requesting, receiving, and raising money for the defendants. Petersen told the President that during the first Watergate investigation he had instructed Earl Silbert not to question Donald Segretti about the President's lawyer before the Grand Jury. They discussed Kalmbach's being named as a fund-raiser for the Watergate defendants. "If you are trying to help them out with their defense -- that is one thing -- but," the President said, "if you are helping them out to keep them quiet . . . that is an obstruction job." Petersen said that was right if you were acting out of Christian charity that was fine. The President said that would be Mitchell's defense on that, and Petersen replied, "...all the inferences run the other way and that is a hell of a defense to have to put to the Jury." (pp. 49-52)

They then discussed the proposed statement, and Petersen encouraged the President to "...get out front." The conversation closes with a discussion of Mitchell, who the President said would fight the charges. Petersen said it was terrible for a former Attorney General of the United States to be subject to a criminal trial. The President said it was for obstruction of justice and not the bugging. (pp. 53-54)

73. On April 17, 1973 from 3:50 to 4:35 p.m. the President met with H. R. Haldeman, Ronald Ziegler and John Ehrlichman. The President described his conversation with Petersen. There was a discussion of whether Haldeman and Ehrlichman should take leaves of absence. The President went over the text of the statement he was about to give.

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	Page
73.1 President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1412
73.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman, Ronald Ziegler and John Ehrlichman, April 17, 1973, 3:50 - 4:35 p.m.....	1416

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Agency)

DATE (Mo. Day, Yr.)

APRIL 17, 1973

TIME DAY

9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

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9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

Source: Misc. 47-73 In re Grand Jury Proceedings

73.1 PRESIDENT NIXON DAILY DIARY, APRIL 17, 1973, EXHIBIT 48,
IN RE GRAND JURY, MISC. 47-73

PLACE DAY BEGAN		DATE (Mo., Day, Year)	
THE WHITE HOUSE WASHINGTON, D.C.		APRIL 17, 1973	
TIME		TIME DAY	
In	Out	TIME	DAY
12:19		12:19	p.m. TUESDAY
12:23			
12:23	12:24		
12:35	2:20		
12:35	2:20		
2:10	2:17		
2:30	2:40		
2:39	2:40	P	
2:46	3:49		
3:50	4:35		
4:41			
4:41	4:46		
4:46			
4:48	5:03		
5:09			
5:15	5:16		
5:20	6:19		
5:50	7:14		
5:50	7:14		
6:17	6:21	P	
6:55		R	
7:15			

PHONE		ACTIVITY
P--Placed	R--Received	
Lo	ID	
		The Presidential party went to the South Grounds of the White House.
		The President and Mr. Kissinger returned to the Oval Office.
		The President met with Mr. Kissinger.
		✓ The President met with: Mr. Haldeman John D. Ehrlichman, Assistant Ronald L. Ziegler, Press Secretary
		✓ The President met with Mr. Ziegler.
	P	✓ The President talked with Mr. Ehrlichman.
		✓ The President met with Assistant Attorney General Henry E. Petersen.
		✓ The President met with: Mr. Haldeman Mr. Ehrlichman
		The President went to the Press Room.
		✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
		The President returned to the Oval Office.
		✓ The President met with Mr. Ziegler.
		The President went to his office in the EOB.
		✓ The President met with his Special Assistant, Stephen B. Bull.
		✓ The President met with: Secretary Rogers Mr. Haldeman Mr. Ehrlichman
	P	✓ The President talked with Mr. Ziegler.
	R	The President was telephoned by Mr. Kissinger. The call was not completed.
		The President returned to the second floor Residence.

73.1 PRESIDENT NIXON DAILY DIARY, APRIL 17, 1973, EXHIBIT 48,
IN RE GRAND JURY, MISC. 47-73

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Received		ACTIVITY
In	Out	In	Out	
7:36	7:33	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

DATE (Mo., Day, Year)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

11:17 p.m. TUESDAY

TIME		PHONE		ACTIVITY
In	Out	P. Placed	R. Received	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.
SN/CD/JD				

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

APRIL 17, 1973, 3:50 P.M. to 4:35 P.M.

On April 17, 1973, the President met in the Oval Office with John Ehrlichman, and H. R. Haldeman from 3:50 to 4:35 p.m. Ronald Ziegler entered late in the meeting. The principal topic of discussion was the statement then being drafted in which the President would announce his policy of cooperating with the Senate Select Committee, initiating his new investigation, and his policy on immunity for administration officials. The meeting opened with the President reporting on his meeting with Petersen, which had just ended. The President said, "I completed the round with Petersen and he said he completely agreed with me, that he's been arguing that with the U.S. Attorneys He said the problem is (unintelligible). I said, 'Well you're going to corroborate it, aren't you?' 'Yes, of course.' But I put it bluntly. No individual --"

The President briefly described the discussion about leaks from the Grand Jury, Gray's destruction of the material from Hunt's files, Strachan's guilty plea, the probable statement on unindicted co-conspirators, and the fact that Dean, but not Haldeman and Ehrlichman, would probably be named as an unindicted co-conspirator. The President reported that Petersen said that unless Ehrlichman and Haldeman took leaves of absence from the White House staff, they would be named as unindicted co-conspirators. Otherwise, Sirica's questioning of Magruder in open court would make it "appear that the Justice Department again is covering up." (pp. 1-3)

The President said Petersen reported that "Dean's lawyers say Dean is going to make a case against this Administration. They're going to try this Administration. . . . So, I guess that's where we stand with Dean." They all agreed that for Ehrlichman and Haldeman to take leave if they were not implicated would be a confession and would look like a cover-up. Haldeman criticized the prosecutors' handling of Strachan, and reported that they had indicated they will prosecute Strachan for perjury even though he had volunteered to correct at least one mistake in his testimony. (pp. 4-6)

They then turned to the statement which the President was considering making that afternoon. After discussing the section that dealt with White House staff appearing before the Senate Select Committee, they turned to the part about the President's inquiry into Watergate. The President said, "'I began new inquiries into this matter as a result of serious charges which were reported publicly and privately.' Should we say that?" Ehrlichman said, "Publicly, comma, 'which in some cases were reported publicly.'" The President said, "'Four weeks ago we,' Why don't we say, shall we set a date? That sounds a hell of a lot stronger if we set a date." Ehrlichman replied, "All right." The President continued, "'On March 21, I began new inquiries,' Strike that. 'I ordered an investigation, new inquiries throughout the government --'" The President also suggested, "In other words, 'on March 21 we started an investigation because of the public hearings.'" Then they decided to make reference to conferences with Kleindienst and Petersen, the President's own investigation, major developments in the case, and treatment of and cooperation by Executive Branch personnel involved in the investigation. (pp. 7-11) After an apparent reference to Strachan, the President said, "That's right Bob, he should just take their offer. Believe me, we don't have to have (unintelligible). He isn't

trying to hide anything." Haldeman said he would feel fine with his doing that. "[S]o he says some things that are damaging. They are only slightly damaging, and we've had plenty of damaging things already." The President said, "That's right Bob, just tell him to take it. . . . Tell him to take it but tell them the mere truth. You see, they think it is worse than it is. They think he is covering up and they are wrong. That's what it really gets down to." Haldeman commented that Strachan had confided in Dean and was afraid that Dean would "take something that is partly right and twist it, which is what Dean is doing, and hang him on it." (pp. 11-12)

Haldeman reported that he and Ehrlichman were meeting with their attorney that afternoon. The President said, "I guess (unintelligible) may resign," Haldeman answered, "That would be a very foolish thing for him to do." Haldeman said that he and Ehrlichman would "hang together playing this game," but would request a leave of absence if they were named in the Magruder indictment. (pp. 13-15)

Again they discussed the prospect of Dean's lawyers trying the Administration, and Ehrlichman mentioned the upcoming Senate Select Committee hearings. Ehrlichman also suggested that Dean's testimony may not be admissible on the grounds that "his communication to us was a communication to you, and vice versa. As an alter ego to the President." The President responded, "I don't have any separate existence." (pp. 15-17)

Towards the end of the meeting Ziegler entered the room, and mentioned that Leonard Garment needed to know ground rules before he talked to Senator Ervin, and they discussed answers Ziegler should make to possible questions from the press on Watergate. (pp. 17-20)

74. On April 17, 1973 from 4:42 to 4:45 p.m. the President issued a public statement containing two announcements. The President first announced that White House personnel would appear before the Senate Select Committee, but would reserve the right to assert executive privilege during the course of questioning. He then reported that on March 21 he had begun intensive new inquiries into the whole Watergate matter and that there had been major developments in the case. The President stated he had expressed to the appropriate authorities his view that there should be no immunity from prosecution for present or former high Administration officials. The President said that those still in government would be suspended if indicted and discharged if convicted.

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74.1 President Nixon statement, April 17, 1973, 9 Presidential Documents 387.....	1420

Term expires October 26, 1975

Mrs. JOYCE SHOUSE, of Washington, D.C., business and civic leader, Washington, D.C.

JOHN T. CONNOR, of Morristown, N.J., president and chief executive officer, Allied Chemical Corp., New York, N.Y.; and former Secretary of Commerce.

For a term expiring October 26, 1974

MITCHELL I. KAFARSKI, of Bloomfield Hills, Mich., chairman of the board, president, and treasurer, Aactron, Inc., Madison Heights, Mich.

WILLIE L. LEFTWICH, of Washington, D.C., attorney, Hudson and Leftwich, Washington, D.C.

The President also announced the designation of Mr. Quesada to serve as Chairman and Mr. Bruckmann to serve as Vice Chairman of the Board of Directors of the Pennsylvania Avenue Development Corporation.

In addition to the eight members appointed by the President the Board of Directors also consists of the following: Secretary of the Interior, Secretary of the Treasury, Secretary of Housing and Urban Development, Secretary of Transportation, Administrator of General Services, Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council. The eight members appointed by the President will serve terms of 6 years once the initial staggered terms have expired.

The Pennsylvania Avenue Development Corporation was established by the Pennsylvania Avenue Development Act of 1972 (Public Law 92-578) to provide for the preparation and carrying out of a development plan for the area between the White House and the Capitol.

The Watergate Investigation

The President's Remarks Announcing Developments and Procedures To Be Followed in Connection with the Investigation. April 17, 1973

Ladies and gentlemen:

I have two announcements to make. Because of their technical nature, I shall read both of the announcements to the members of the press corps.

The first announcement relates to the appearance of White House people before the Senate Select Committee, better known as the Ervin Committee.

For several weeks, Senator Ervin and Senator Baker and their counsel have been in contact with White House representatives John Ehrlichman and Leonard Garment. They have been talking about ground rules which would preserve the separation of powers without suppressing the facts.

I believe now an agreement has been reached which is satisfactory to both sides. The committee ground rules

as adopted, totally preserve the doctrine of separation of powers. They provide that the appearance by a witness may, in the first instance, be in executive session, if appropriate.

Second, executive privilege is expressly reserved and may be asserted during the course of the questioning as to any question.

Now, much has been made of the issue as to whether the proceedings could be televised. To me, this has never been a central issue, especially if the separation of powers problem is otherwise solved, as I now think it is.

All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions.

I should point out that this arrangement is one that covers this hearing only in which wrongdoing has been charged. This kind of arrangement, of course, would not apply to other hearings. Each of them will be considered on its merits.

My second announcement concerns the Watergate case directly.

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

Last Sunday afternoon, the Attorney General, Assistant Attorney General Peterson, and I met at length in the EOB to review the facts which had come to me in my investigation and also to review the progress of the Department of Justice investigation.

I can report today that there have been major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth.

If any person in the executive branch or in the Government is indicted by the grand jury, my policy will be to immediately suspend him. If he is convicted, he will, of course, be automatically discharged.

I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the Administration should be given immunity from prosecution.

The judicial process is moving ahead as it should, and I shall aid it in all appropriate ways and have so informed the appropriate authorities.

As I have said before and I have said throughout this entire matter, all Government employees and especially White House Staff employees are expected fully to cooperate in this matter. I condemn any attempts to cover up in this case, no matter who is involved.

Thank you.

NOTE: The President spoke at 4:42 p.m. in the Briefing Room at the White House.

75. On April 17, 1973 the President met in his EOB office with William Rogers from 5:20 to 6:19 p.m. and with H. R. Haldeman and John Ehrlichman from 5:50 to 7:14 p.m. The President briefed Rogers on his investigation and his discussion with Petersen. There was a discussion of whether Haldeman, Ehrlichman and Dean should resign and of Dean's testimony against Haldeman and Ehrlichman. Haldeman and Ehrlichman reported on their conversation with John Wilson, a defense attorney in criminal cases who had been recommended by Rogers. There was a discussion of what Dean had told Kalmbach about the purpose of the money he was asked to raise.

In response to the Committee's subpoena for the tape recording and other evidence of the President's conversations of April 17, 1973 from 5:50 to 7:14 p.m., the President has produced an edited transcript of the recording of his conversations from 5:20 to 7:14 p.m. A summary of that transcript has been prepared.

	Page
75.1 President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1422
75.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, William Rogers, H. R. Haldeman and John Ehrlichman, April 17, 1973, 5:20 - 7:14 p.m.....	1426

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

DATE (Mo. Day, Yr.)
APRIL 17, 1973
TIME DAY
9:18 a.m. TUESDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P - Placed R - Received		ACTIVITY
In	Out	To	LD	
9:18				The President went to the Oval Office.
9:19	9:25	P	✓	The President talked with his Counsel, John W. Dean III.
9:30	9:46		✓	The President met with his Special Consultant, Leonard Garment.
9:47	9:59		✓	The President met with his Assistant, H. R. Haldeman.
9:59	10:00			The President met with the First Lady.
10:05				The President and the First Lady went to the South Grounds of the White House.
10:05	10:28			The President and the First Lady participated in an arrival ceremony honoring Giulio Andreotti, President of the Council of Ministers of the Italian Republic. For a list of members of the welcoming committee and of the official Italian party participating in the ceremony, see <u>APPENDIX "A."</u>
10:29				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to the Blue Room.
10:29	10:34			The Presidential party received members of the official Italian and U.S. parties. Assisting in the receiving line were: William P. Rogers, Secretary of State Mrs. William P. Rogers Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations Mrs. Elmo R. Zumwalt, Jr.
10:34				The President returned to the Oval Office. He was accompanied by: Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Mrs. Anna Saxon, State Department interpreter
10:34	12:19			The President met with: Prime Minister Andreotti Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Henry A. Kissinger, Assistant Mr. Seidenman Mrs. Saxon Members of the press, in/out White House photographer, in/out

Source: Misc. 47-73 In re Grand Jury Proceedings

TIME		PHONE P--Placed R--Received		ACTIVITY
In	Out	Lo	ID	
THE WHITE HOUSE WASHINGTON, D.C.				DATE (Mo., Day, Yr.) APRIL 17, 1973 TIME DAY 12:19 p.m. TUESDAY
12:19				The Presidential party went to the South Grounds of the White House.
12:23				The President and Mr. Kissinger returned to the Oval Office.
12:23	12:24			The President met with Mr. Kissinger.
12:35	2:20			✓ The President met with: Mr. Haldeman
12:35	2:20			John D. Ehrlichman, Assistant
2:10	2:17			Ronald L. Ziegler, Press Secretary
2:30	2:40			✓ The President met with Mr. Ziegler.
2:39	2:40	P		✓ The President talked with Mr. Ehrlichman.
2:46	3:49			✓ The President met with Assistant Attorney General Henry E. Petersen.
3:50	4:35			✓ The President met with: Mr. Haldeman Mr. Ehrlichman
4:41				The President went to the Press Room.
4:41	4:46			✓ The President addressed members of the press on the developments in the Watergate case. White House photographer, in/out
4:46				The President returned to the Oval Office.
4:48	5:03			✓ The President met with Mr. Ziegler.
5:09				The President went to his office in the EOB.
5:15	5:16			✓ The President met with his Special Assistant, Stephen B. Bull.
5:20	6:19			✓ The President met with: Secretary Rogers
5:50	7:14			Mr. Haldeman
5:50	7:14			Mr. Ehrlichman
6:17	6:21	P		✓ The President talked with Mr. Ziegler.
6:55		R		The President was telephoned by Mr. Kissinger. The call was not completed.
7:15				The President returned to the second floor Residence.

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE
WASHINGTON, D.C.

APRIL 17, 1973

TIME DAY

7:36 p.m. TUESDAY

TIME		PHONE Placed Received		ACTIVITY
In	Out	In	Out	
7:36	7:38	R		The President talked with Mr. Kissinger.
8:02				The President went to the North Portico.
				The President greeted Prime Minister and Mrs. Andreotti. Members of the press, in/out White House photographer, in/out
8:03				The Presidential party went to the Yellow Oval Room.
8:03	8:21			The President met with: The First Lady Vice President and Mrs. Spiro T. Agnew Prime Minister and Mrs. Andreotti Secretary and Mrs. Rogers John A. Volpe, Ambassador from the U.S. to Italy Mrs. John A. Volpe Giuseppe Medici, Italian Minister of Foreign Affairs Egidio Ortona, Ambassador from Italy to the U.S. Mrs. Egidio Ortona
8:22				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the Blue Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
8:22	8:39			The Presidential party received dinner guests.
8:39	10:11			The President and the First Lady hosted a State Dinner in honor of Prime Minister and Mrs. Andreotti. For a list of dinner guests, see <u>APPENDIX "B."</u>
10:11				The President and the First Lady went to the Grand Hall.
10:11	10:32			The President and the First Lady received guests attending the entertainment portion of the evening. For a list of attendees, see <u>APPENDIX "C."</u>
10:32				The President and the First Lady, accompanied by Prime Minister and Mrs. Andreotti, went to the East Room.
10:33	11:17			The President and the First Lady attended a performance by singer Frank Sinatra. For a list of guests, see <u>APPENDIX "B"</u> and <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out

PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)				DATE (Mo., Da., Yr.) APRIL 17, 1973 TIME DAY 11:17 a.m. TUESDAY
PLACE DAY BEGAN THE WHITE HOUSE WASHINGTON, D.C.				
TIME		PHONE P. Moved R. Received		ACTIVITY
In	Out	To	LD	
11:17				The President and the First Lady escorted Prime Minister and Mrs. Andreotti to their motorcade at the North Portico.
11:20				The President and the First Lady returned to the second floor Residence.
11:45	12:04	P		The President talked with Mr. Kissinger.

SM/CD/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 17, 1973 5:20 p.m. to 7:14 p.m.

On April 17, 1973 the President met with Secretary of State William P. Rogers at 5:20 p.m. in his EOB office. Haldeman and Ehrlichman entered the meeting after it began, and Rogers left before the meeting ended at 7:14 p.m.

Rogers asked the President if he had made his announcement. The President said he had, that it wouldn't hurt anything and was the right move. Rogers agreed. (p. 1)

The President said he had talked to Petersen again that day, and Petersen said they had to resign, "[j]ust figures you can't keep them." The President asked if Rogers had any different views today. Rogers said he didn't, that he thought it was the right step to go. The President said "it's going to be bloody." Rogers said that the top people in government deserve the same consideration as anybody else, and the President said, "Damn right." The President said that the New York Times would have an editorial the next day that the President should fire the whole White House staff, anybody who did it. But, said the President, "I think they [the people] like a man who stands up to them -- not to condemn people before they're proven." (pp. 2-3)

Rogers asked what Petersen said on Ehrlichman, "Does he have any other evidence except what's in that piece of paper because if he doesn't there wasn't anything in there." The President said "hardly anything," except that Gray now recollected that he got the material and destroyed it

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because he was told it was political material, had nothing to do with Watergate. This had destroyed Gray, the President said, it was "an unbelievable story." Rogers asked, "Well, now Ehrlichman didn't tell him to destroy it?" The President replied, "Hell no. Gray went back -- Dean did give it to him. It was in Ehrlichman's office." The President said he "put it hard to Petersen" and even used Rogers' name. He said he told Petersen that Rogers looked it over and said they didn't have much of a case on Ehrlichman. (pp. 3-4)

The President said the prosecutors were "trying like hell to just frighten people to death. They're going to send 'em to jail and so forth." The President told Rogers they were "trying to break" Strachan. The President said he didn't understand, Strachan could be either a witness or a defendant, and he told Haldeman to tell him to be a witness. (p. 4)

Rogers asked what had happened to Dean, and the President said, "They made a deal with him. And that's why I put in that statement, I hope -- that's the point." The President said he told Petersen he had talked to Rogers and they had a grave problem in giving the President's counsel immunity. He said Petersen had replied, suppose it's Dean's testimony that we need to get Haldeman and Ehrlichman, shouldn't we give him immunity? The President said he had told Petersen, "No -- not unless you have corroboration." Rogers said that what was done on things like that was to say to a fellow, you've violated the law, you've got to be indicted, we'll consider the help you've given us when it comes to the question of your sentence. "In other words," said Rogers, "you . . . [h]old out the prospect

to him." The President asked how John Dean, the President's counsel, could be given total immunity "when he's involved? He admits involvement throughout." The President told Rogers, "I said no. I said, by no means. I'd get the rack."

The President told Rogers that Petersen said he agreed with that and was trying to convince the U. S. Attorneys, "but they are hot on trying to give him immunity and they're going to. And they want to (unintelligible) Haldeman and Ehrlichman. Frankly, that's it." (p. 6)

The President told Rogers "what this statement was on." He said they were going to have Magruder in open court eventually and were going to put out this statement in which they would name other unindicted co-conspirators. Petersen said otherwise Sirica would ask Magruder questions, and he would testify in open court about other people, the President said. "I think that is a hell of a prejudicial thing to do -- the rights of an individual--." The President continued that they told him that Haldeman and Ehrlichman would not be on the list if the President fired them. He said Petersen told him they were giving him an option so that he "could move ahead of the herd basically by just letting them go." The President told Rogers that he thought if he let them go they would be on the list anyway. It would appear that he heard they were going to be on the list and fired them and they were on it. The President said, "That's my problem. We're not prosecuting my two top people and I let them go. I don't think that makes sense at all or do you agree?" Rogers agreed that it would look bad from the President's standpoint. The President said that if he let

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Haldeman and Ehrlichman go and they weren't on the list, they would call them before the Grand Jury and then indict them if they could get information. Rogers said that it was a perversion of the Grand Jury process if Sirica questioned a defendant on a guilty plea to find out who else was involved. (pp. 6-9)

The President said that he thought Ehrlichman was "going to beat it. I don't think it's going to help him, if by letting him go, I know that he's gone to the prosecution." The President said, "[Y]ou know I am concerned about my people. I know that Haldeman and Ehrlichman are not guilty of a damn thing." The President said to Rogers, "It's only tangential on that, Bill -- tangential. Sure they knew we were raising money for these damn defendants, but they were (unintelligible) in the campaign. I mean, I mean (unintelligible) Dean at the meeting, wasn't he?" The President continued, "Ehrlichman was handling the whole domestic thing and Haldeman was working with me at the time. They didn't work in the campaign. It was all over with Mitchell. Mitchell was -- in this whole thing -- and frankly, Dean was handling it for the White House. (Unintelligible). Our people were aware that he was. We were aware about that." (pp. 9-10)

Rogers asked how the President had left it with Petersen and said, "I think from now on you better let him go into the brawl." The President said, "I have." He said Petersen was going to report to him and that he had told Petersen that he would like to know if Petersen got any corroborating testimony. The President said he had told Petersen he would like to be warned if there was corroborative testimony so he

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could call his people in and ask for resignations. The President said, "That's all I told him. Well I'm not going to talk to him any more about that. After all, I'm the President of the country -- and I'm going to get on with it. . . I've been living with this for (unintelligible) that's all I've been doing for half the time now." The President mentioned the people that he had trust in, said he had trust in Ehrlichman, had Ehrlichman working. Ehrlichman had completed the job and got to the bottom of the thing. (pp. 10-11)

The President said that Ehrlichman said, "There is a possible, possible situation of the act of -- What do you call it?" Rogers' reply was "(Unintelligible)," and the President said, "If the individuals knew that the purpose was to keep people from talking in court. In court, not openly. Apparently, it's -- You might keep 'em from it -- but he said, 'Anyway, that's the problem.' So, I don't know. I still don't know if it is a problem." The President said that he was thinking of Haldeman, Ehrlichman, Dean and their kids, of the possibility of their mocking a great career. Their service, the President said, had been efficient. "I'll tell you, if they aren't convicted, Bill, they'll come out This'll be in better perspective in a year, I think." Rogers said he thought the first blush would be -- and the President interjected, "Terrible." The President said, "I'll be here, all along, Bill. The Jury indicts, moves. We're going to get on with this country. A lot of people in the country, we may find, they feel the President is doing the best he can in the damn thing. If I had wanted to cover-up -- they probably think the President can cover-up. If I wanted to, I sure haven't done it very well, have I?" (pp. 11-13)

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Rogers asked if the President had any indication of what Dean was going to do. The President said, "[H]e's going to try this whole Administration I would expect. And my view on that is let him try the whole Administration." The President said Ziegler pointed out that Dean had conducted an investigation for nine months and now came forward and charged inaction. The President said, "Dammit, why didn't he come in earlier, and tell me these things, Bill? Why didn't he do it? If he knew, I would think that--" The President asked why, once it had happened, it wasn't cut off right then, by someone (apparently Mitchell) stepping forward. "Well, I think I know," the President said, "They just thought that might hurt the election." (pp. 13-15)

The President said that he would rather have it in the courts than in the Committee, and Rogers agreed and said that was the way it was supposed to be, that was the system. The President said, "It sure shows the system works, though, doesn't it?" Rogers asked the President what Petersen thought of the President's statement, and the President said he had thought it was fine. Rogers said Sirica had been suspicious there was a cover-up and had tried to put pressure on the ones who knew. Magruder, Rogers said, was a willing witness, not a reluctant defendant, who would testify, had been working with the prosecutor, and would be called before the grand jury. Rogers said, "Why the hell he's -- that (unintelligible) open court. That's the -- that's what the Grand Jury's for." (pp. 15-16)

The President said he thought "the partial reaction" to his statement would be, "Thank God, the President's finally said something about Watergate," and Rogers agreed. The President said he wasn't taking any

comfort out of it because "for a period of time it's going to be painful," when Mitchell gets indicted, and possibly Haldeman and Ehrlichman. (pp. 15-17)

Rogers said that he thought Haldeman and Ehrlichman ought to resign but talk to their lawyer first. Rogers said he didn't understand what Magruder was going to do, but it seemed to him "if Dean has mentioned them that way that they ought to then take a leave of absence." The President asked if Rogers would wait until their names were mentioned, and Rogers said, "Yeah." The President said he had told Petersen that Rogers and the President found the charges uncorroborated, and Petersen agreed but wanted the President to "sack 'em." The President said, "I've got to live with myself. I don't want to do it in that (unintelligible). That isn't fair." The President said that if they were not named in the statement, they would be called. "They'll be indicted and (unintelligible)." Rogers said that undicted co-conspirator was "just as bad as being indicted, especially when you know somebody was (unintelligible) lying. So you're named, but you can't clear your name." Rogers said, "If you're named as a co-conspirator and forced to resign, then you're convicted without a trial." (pp. 18-21)

The President said that he was afraid Haldeman was probably in trouble, though he wasn't sure he'd be indicted. Rogers said he wasn't sure he would be indicted. The President said, "Well, staying too close to the money. He never can explain that. In terms of legal involvement though but he could never explain to the people and you (unintelligible) some of that damn money back there for 'em. Testified by Mitchell, by, by Dean. Was it a (unintelligible) of the defense?" Rogers said the President would have twelve hours, and the President asked Rogers to put his mind to the problem

"because I really think we've got to start helping 'em. Help advise them. They're in the eye of the hurricane." Rogers said they had a little time to see how the President's statement played. (pp. 22-23)

The President said that he thought "that he probably didn't know about -- ... My feeling was that Mitchell -- basically always thought Magruder knew the damn thing. Mitchell just wasn't tending the shop. That's what I understand." Rogers said he thought Mitchell might well have given the go ahead and said, "Oh yeah, to hell with this." The President said, "Yeah. 'Don't tell me about it.'" Rogers said he was surprised about Dean, and the President said Dean claimed he didn't have anything to do with having them go ahead, but after that "Dean came in in terms of the obstruction of justice. There's where he's vulnerable. That's all. He's not vulnerable on the first part in my opinion." Rogers asked if they had gotten written statements from Dean and Magruder, and the President said they had debriefed him. He said, "Where Dean is concerned, nothing they can do to shake him. On that one he stands firm." Rogers said he thought "the one fellow that had to know about this and should just take a leave of absence is Dean." The President replied, "(unintelligible) what about this -- who the hell wants to (unintelligible)? It looks like this might (unintelligible) of course, set him off Worse than he is." Rogers said, "Well, I think your point is true enough. He appears beyond the thing, although he --." The President said, "He was the one He handled the whole thing." The President told Rogers that, when he had started his investigation on March 21st, he saw Dean at least "(unintelligible) times"; that at Camp David Dean was "to write the (expletive deleted) up so we could put out a statement";

and that he said he really couldn't write a statement the President could put out. "So I must say, I've done everything I can to get to the bottom, Bill, as you can see." The President said he had told John to "let it all hang out . . . you got to tell me what the hell the score is so we'll know how to deal with this. We're not going to be nibbled to death by a thousand hurts." And that, said the President, was "exactly what we've done." The President said McCord's allegations had "enough there to . . . put anybody on notice that without a doubt there's something wrong," and that was why he had to move. (pp. 23-25)

Rogers said that it was basically up to John and Bob and that it was difficult for anybody else, who really didn't know what the facts were. Rogers said that Ehrlichman must be shaken, and the President said that he was, that he was saying, "Going to fight, discredit Dean -- discredit the prosecutor." The President said, "That'll be one hell of a big fight." (pp. 26-27)

The President told Rogers they were thinking of Judge Byrne for Director of the FBI, and described his qualifications. (p. 28)

At this point, Haldeman and Ehrlichman entered the meeting. They reported that they had met with their lawyer, John J. Wilson. Ehrlichman said Wilson knew Petersen and Glanzer, "and he despises them." The President said he never talked to Petersen any more, that was done -- "except for all the information I want." The President told Haldeman and Ehrlichman that Petersen said he would give the President 12 hours notice with regard to the Magruder thing, "and I think I want that." Ehrlichman gave Wilson's explanation of the procedure involving unindicted co-conspirators and interrogation on a guilty plea. Rogers said that being named as an unindicted co-conspirator

and being forced to leave was equivalent to indictment; "You both would be indicted and convicted by the public beforehand." (pp. 29-36)

Ehrlichman suggested that he had privilege in his conversations with Dean, and particularly the conversation where Dean said he came and told Ehrlichman that Liddy had confessed. Ehrlichman said, "T/he only reason to tell me was not for me as me but because I was one of the two conduits that he had to the Boss. He didn't have, I mean, the organizational set-up was that way." Haldeman said that the President's log showed that from the Watergate break-in until the end of August, the President never saw John Dean, during July and August the President had no communications with Dean at all. Ehrlichman said that Dean gave a lot of legal advice about this case. "A lot of traffic and all that, but there's also developed a poor relationship and sooner or later the President is going to have to decide whether he wants to consider privilege--if Dean becomes." Ehrlichman said it involved both his communications with Dean and Haldeman's, that it was a tough problem, and the President would probably want to reserve it. Rogers said that it was "really ticklish," and "it is hard to understand he was Counsel to you as well as to the President." Rogers asked how Dean contacted the President, and Haldeman said, "He dealt with one of us." Ehrlichman said that Dean was "really an advisor" to them in their capacity to make decisions. Rogers asked, "Problem is, what do other people say about him?" Ehrlichman replied, "He's a jerk. Sure, that's right." The President said, "And I deferred to him in this damned investigation. Remember you said, 'I think you ought to talk to John Dean.' Remember. And I called him in there. And, -- , I listened ad infinitum and carted him off to Camp David." Haldeman said, "(unintelligible) I deferred to him on most occasions." Rogers suggested they think it over. (pp. 36-39)

The President said that on Sunday Kleindienst and Petersen had come in and said, "Because of Haldeman and Ehrlichman -- just the fact that both of these clowns had implicated them and they ought to resign. They haven't served you well, Mr. President' and all that sort of thing." The President said, he told them he couldn't do it on un-corroborated testimony and that a moment of truth for them would be when they said they have corroborative testimony. The President said, "Do I have to examine the damned testimony" or could he just ask them voluntarily to leave? The President said his theory, and Rogers', was that "a person in public office should have no more and no less rights than a person out of public office." Haldeman said there was a good counter argument that a person in public office has a higher obligation than a person not in public office. Rogers said he thought it was for the individual to decide. Ehrlichman said that he thought if they "turned up in this crazy information -- junk -- even though we are not charged with a crime, in the ultimate sense," he could write the President a letter saying obviously he didn't want to impair the President's situation and was going to take leave. The President said he thought that was the course of action they should take "and let them put it out if they want to that way. And if they do and if you are named you can immediately say, 'I am confident that these charges will not stand up and that I . . . and so forth' -- and 'My usefulness, of course, will be seriously impaired and I therefore request a leave until the matter is cleared up.'" The President continued, "I think we can all agree on that without an indictment. I might put a P.S. on there and say, 'I am shocked with the procedure followed and when I am reinstated I am going to see to it that the Justice Department

changes its procedures.'" Rogers said that, in effect, Dean would be doing them a greater disservice than a bonafide Grand Jury indictment, and the President agreed. Rogers said that based on what Petersen gave the President, he didn't think there was sufficient evidence. (pp. 39-42)

Rogers said, "Now how in hell can you say, 'That is obstruction of justice to turn over all the evidence to the FBI?'" Rogers suggested that Pat Gray said he was told to "deep six" the documents, and the President said, "he was not told to do that." /Emphasis in transcript/ Ehrlichman said that on the business, of telling Hunt to leave the country, nobody in the meeting remembered anything like that. Dean had called Liddy and told him to have Hunt leave the country, and Colson recalled Dean's having mentioned it to him, not in Ehrlichman's office, Ehrlichman said. It was countermanded, and he didn't leave the country, Ehrlichman continued, "so I suspect Dean may have acted unilaterally on that." The President said, "Here he is trying to pass this up to Ehrlichman, too." Ehrlichman suggested that Dean had to have an explanation for why he did it. Ehrlichman said Liddy told Hunt that his principals said for Hunt to leave, and that Hunt said Liddy named Dean as his principal. The President said, "John Dean said, 'Oh no, it's Ehrlichman?'" Ehrlichman said, "Yeah. Get into one of these 'he said', 'I said' sort of thing, it's going to be miserable. But the probabilities against the surrounding circumstances at least as of now look good." (p. 43-44)

The President said, "The . . . three-fifty thing is the toughest thing, Bob, about this whole thing. Mainly, to me there's no question about it, just basically that they had knowledge that it was going to those defendants and so forth. They wanted it for that purpose. And the question is what you

thought it was. And then again they'll say they don't believe you. It'll get down to that." The President said that again they had a route to it, LaRue, who broke down and cried. (p. 45)

Rogers left the meeting. After a discussion of Wilson, the President said, "Dean's credibility is totally destroyed, you know Sure, Dean was in charge of the investigation." The President said he made that point to Ron, "'You know Dean somehow has sold out the White House, the Administration, etc.'" Haldeman said that was a good statement and a good idea; "i/t puts you exactly in the position that you should be in now." The President said, "We'll get kicked by the press on it." The President said he was always ready to give in on Ervin. As to why the President acted so late on this case, the President said the answer was that the charges were "just floating," just newspaper charges and so forth. Ehrlichman said, "They were all relying on Dean, frankly." Haldeman said that time was not of the essence in this case. "It wasn't a matter of where by moving quickly we would stop something. It was done. It was a matter now of doing it properly. Not quickly." (pp. 46-50)

The President said, concerning a leaked story in the L.A. Times that said the White House was going to move, "That probably came directly from Dean. I think Dean did that." Haldeman quoted from the story and pointed out that it didn't say White House officials bore responsibility for Watergate. "Your action now saying something substantial will develop, and then when the Mitchell bomb breaks, that's all going to fit together...." The President said, "Yeah. Yeah (unintelligible) about that -- Tell us about that ransacking and (unintelligible). It's been about two years ago. It's about not letting

(unintelligible)." Haldeman replied, "He said it was 22,000. Was the difference in money material? Can a case be made out of that? Did he keep the money or was there something about that?" The President said, "He called the same day, too, didn't he?" Haldeman said that he called the next day, within twenty-four hours. (pp. 51-52)

They discussed an ABC news story, and Haldeman said that the Post would hold up the next day and watch for something, they were playing the long game. The President then said, "I get your point, John. On the (unintelligible), I think we, I think we have sped the process up. This kind of stuff, this kind of stuff here would have had stories for three or four months." Haldeman agreed and said it was the best way compared to the Ervin process, "i/t is essential to go this way." Haldeman said they had to face the possibility of indictments and those would have come anyway. "They wouldn't have let you get away with it." The President said, "Well, I think that would happen for instance with Ervin's problem. They would be saying, 'We refer this to the Grand Jury.'" Haldeman replied, "They would have murdered us. Something would be out every minute. Demanding that you fire everybody. Demanding that you do this and that." Ehrlichman said, "Well as a matter of fact, you might have turned the set up some day and watched your White House counsel crap -- for the glorious television. It would be at least surprising." (pp. 52-54)

The President said, "Let's face it, up to this thing, Dean handled a lot of stuff well." Haldeman agreed. The President said he thought they had played the Dean thing fairly well; "I think what we ought to do -- make our deal or not with Dean within a week." He said he didn't see how Dean

could possibly miss being involved in whatever they put out on Magruder, and that the way the guy talked he thought "all of you, all of you, everybody may get it." (p. 55)

Ehrlichman said that he thought the President's statement that immunity should not be granted to any major officials would be read "as relating to Mitchell and three or four of that ilk as well." The President said, "Oh, sure." Haldeman said, "They may decide not to do this," and the President said, "That's the point." The President said, "But I have told the big five, I told the Assistant Attorney General, specifically, that nobody should be granted immunity in any case." He said Rogers agreed with this. (pp. 55-56)

The President said, "Dean is the only one who can sink Haldeman or Ehrlichman." Haldeman asked, "How am I going to explain that, after putting out a statement?" Ehrlichman said, "What do you say, 'Dean is some little clerk?' He's my Counsel." The President said he was involved in the Gray thing. "They are not going to throw the whole thing in there." The President said he was thinking whether to see Dean again and added "I don't think you can control him, he's fanatic." He told Haldeman and Ehrlichman to let him know if they felt it was useful. (pp. 57-58)

Ehrlichman said that, based on the chain of circumstances, he thought Dean might be provoked to make a public statement "which is slanderous and hostile." The President suggested that both Ehrlichman and Haldeman, and Haldeman particularly, ought to get themselves a libel lawyer, "the most vicious libel lawyer there is." He suggested they "sue right down the line You may as well get at the libel thing and have yourself a little fun." (pp. 58-59)

Haldeman recommended "operation procedure-wise" that they "maintain

a facade of normal operations." The President agreed, "Unless and until something happens. Now the only exception here is Dean." The President said, "I want you to go forward and if this thing comes out which I can't believe, I want you to go forward at all costs to beat the damned rap. They'll have one hell of a time proving it. Yours is a little tougher I think Bob, and it shouldn't be -- the 300." Haldeman told the President their lawyer said the law on obstruction of justice was "damn tough, loose." Ehrlichman said that he cited Glanzer as "the leading authority on it. He uses it like a bludgeon." (pp. 60-61)

Ehrlichman said, "Well, as I said before. We beat the rap but we're damaged goods." The President responded, "Right, you can't go back in the government, but I will tell you one thing, you are not damaged goods as far as I am concerned. It's one hell of a thing. The point is that let's wait and see what happens before we see where we are." The President said that they ought to expect the worst, but that he would like both of them to consider 50% of their time for editing and so on with the Foundation, which "is going to be a hell of a big thing." "If you are indicted and tried and found innocent," the President said, "it washes away." (pp. 63-64)

The President said that he thought it was "terribly important that poor Kalmbach get through this thing." Haldeman said he thought he was alright. The President asked if Dean had called him about the money, and Haldeman said, "Yes, Sir." Ehrlichman said Dean told him that he told Kalmbach what it was for, but he didn't believe it. Ehrlichman said Kalmbach said he just followed instructions, that he just went ahead and did it and sent the money back. The President said, "You can corroborate then Herb on that one"; Ehrlichman replied, "I can if Dean is the accuser. I can." The President

said, "If Dean is the accuser, you can say that he told you on such and such a date that he did not tell Herb Kalmbach what the money was for." Ehrlichman said, "That he has told me -- that he has told me --," and the President said, "That's right - that's right." (pp. 65-66)

At the end of the meeting, Haldeman said the Foundation funding was one thing, but "there is a lot of intrigue too." He said, "I hope to get funding for the ability to clear my name and spend the rest of my life destroying what some people like Dean and Magruder have done to the President." (p. 66)

76. In April 1973 former and present White House aides and CRP officials were interviewed by the prosecutors or called before the Watergate Grand Jury. These included E. Howard Hunt, Gordon Liddy, Jeb Magruder, Gordon Strachan, Richard Moore, Dwight Chapin, Herbert Kalmbach, James McCord, Fred LaRue, Herbert Porter, John Mitchell, Charles Colson and John Dean.

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EXHIBIT No. 77

Conversation with Herb Kalmbach—April 19, 1973, 4:50 p.m.

E Ehrlichman

K Kalmbach.

E Hi, how are you?

K I'm pretty good. I'm scheduled for 2 tomorrow afternoon.

E Where—at the jury or the U.S. Attorney?

K At the jury and I'm scheduled at 5:30 this afternoon with Silver.

E Oh, are you?

K Yeah. I just wanted to run through quickly several things, John, in line with our conversation. I got in here last night and there was a telephone call from O'Brien. I returned it, went over there today and he said the reason for the call is LaRue has told him to ask him to call me to say that he had to identify me in connection with this and he wanted me to know that and so on.

E Did he tell you about Dean?

K Nope.

E Well Dean has totally cooperated with the U.S. Attorney in the hopes of getting immunity. Now what he says or how he says nobody seems to be able to divine but he

K The whole enchilada?

E He's throwing off on Bob and me heavily.

K He is?

E Yep.

K He is.

E And taking the position that he was a mere agent. Now on your episode he told me before he left, so to speak, he, Dean, told me that really my transaction with him involving you was virtually my only area of liability in this thing and I said, well, John, what in the world are you talking about? He said, well I came to you from Mitchell and I said Mitchell needs money could we call Herb Kalmbach and ask him to raise some. And I said, and Dean says to me, and you said yes. And I said yep, that's right. And he said well that does it. And I said well that's hard for me to believe, I don't understand the law but I don't think Herb entered into this with any guilty intent and I certain didn't and so I said I just find that hard to imagine. Now since then I've retained counsel.

K Oh, you have?

E Very good and who agrees with me that it is the remotest kind of nonsense but the point that I think has to be clarified, that I'm going to clarify if I get a chance, is that the reason that Dean had to come to me and to Bob where you were concerned is that we had promised you that you would not be run pillar to post by Maurice Stans.

K And also that you knew I was your friend and you knew I was the President's attorney

E Sure

K Never do anything improper, illegal, unethical or whatever.

E Right.

K And

E But the point is that rather than Mitchell calling you direct Mitchell knew darn well that you were no longer available.

K Yep

E Now this was post April 6. was it not?

K Yep. April 7.

E So that Mitchel and Stans both knew that there wasn't any point in calling you direct because we had gotten you out of that on the pretext that you were going to do things for us.

K That's right.

E And so it was necessary for Dean to come to me and then in turn to Bob and plead a very urgent case without really getting into any specifics except to say you had to trust me, this is very important, and Mitchell is up his tree or, you know, I mean is really worried: he didn't use that phrase, but he is really exercised about this. And I said well, John, if you tell me it's that important, why yes.

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- K You know, when you and I talked and it was after John had given me that word, and I came in to ask you, John is this an assignment I have to take on? You said, yes it is period and move forward. Then that was all that I needed to be assured that I wasn't putting my family in jeopardy.
- E Sure.
- K And I would just understand that you and I are absolutely together on that.
- E No question about it, Herb, that I would never knowingly have put you in any kind of a spot.
- K Yeah. Well and when we talked you knew what I was about to do, you know, to go out and get the dough for this purpose; it was humanitarian.
- E It was a defense fund.
- K . . . to support the family. Now the thing that was disquieting about this thing with O'Brien was that he said that there is a massive campaign evidently under way to indict all the lawyers including you, Herb, and I was a little shocked and I guess what I need to get from you, John, is assurance that this is not true.
- E Well I don't know of any attempt to target you at all. My hunch is that they're trying to get at me, they're trying to corroborate. See what they said to Dean is that he gets no consideration from them unless they can corroborate Haldeman and my liability.
- K God, if I can just make it plain that it was humanitarian and nothing else.
- E Yeah, and the point that I undoubtedly never expressed to you that I continually operated on the basis of Dean's representations to me.
- K Yep. It was not improper.
- E Right.
- K And there was nothing illegal about it.
- E See, he's the house lawyer.
- K Yep, exactly and I just couldn't believe that you and Bob and the President just too good friends to ever put me in the position where I'd be putting my family on the line.
- K And it's just unbelievable, unthinkable. Now shall I just—I'll just if I'm asked by Silver I'll just lay it out just exactly that way.
- E Yeah, I wouldn't haul the President into it if you can help it.
- K Oh, no, I will not.
- E But I think the point that which I will make in the future if I'm given the chance that you were not under our control in any sort of a slavery sense but that we had agreed that you would not be at the beck and call of the committee.
- K And, of course, too, that I act only on orders and, you know, on direction and if this is something that you felt sufficiently important and that you were assured it was altogether proper, then I would take it on because I always do it and always have. And you and Bob and the President know that.
- E Yeah, well, as far as propriety is concerned I think we both were relying entirely on Dean.
- K Yep.
- E I made no independent judgment.
- K Yep. Yep.
- E And I'm sure Bob didn't either.
- K Nope and I'm just, I just have the feeling, John, that I don't know if this is a weak reed, is it?
- E Who, Dean?
- K No, I mean are they still going to say well Herb you should have known.
- E I don't know how you could've. You didn't make any inquiries.
- K Never. And the only inquiries I made, John, was to you after I talked to John Dean.
- E And you found that I didn't know just a whole helluva lot.
- K You said this is something I have to do and—
- E Yeah, and the reason that I said that, as you know, was not from any personal inquiry but was on the basis of what had been represented to me.
- K Yeah, and then on—to provide the defense fund and to take care of the families of these fellas who were then
- E Indigent
- K Not then been found guilty or not guilty

(1445)

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E And the point being here without attempting to induce them to do a damn thing.
K Absolutely not and that was never, that was exactly right.
E OK.
K Now, can I get into see you tomorrow before I go in there at 2?
E If you want to. They'll ask you.
K Will they?
E Yep.
K Well, maybe I shouldn't.
E They'll ask you to whom you've spoken about your testimony and I would appreciate it if you would say you've talked to me in California because at that time I was investigating this thing for the President.
K And not now?
E Well, I wouldn't ask you to lie.
K No, I know.
E But the point is
K But the testimony was in California
E The point is. Well, no your recollection of facts and so forth.
K Yes, I agree.
E See, I don't think we were ever seen together out there but at some point I'm going to have to say that I talked to O'Brien and Dean and Magruder and Mitchell and you and a whole lot of people about this case.
K Yeah
E And so it would be consistent.
K Do you feel, John, that calling it straight shot here, do you feel assured as you did when we were out there that there's no culpability here?
E Yes.
K And nothing to worry about?
E And Herb from everything I hear they're not after you.
K Yes, sir.
E From everything I hear
K Barbara, you know
E They're out to get me and they're out to get Bob.
K My god. Alright, well, John, it'll be absolutely clear that there was nothing looking towards any cover-up or anything. It was strictly for the humanitarian and I just want, when I talked to you I just want you to advise me that it was alright on that basis.
E On that basis.
K To go forward
E That it was necessary
K And that'll be precisely the way it is.
E Yeah, OK.
Thanks, Herb. Bye

○

3010

EXHIBIT No. 109

Conversation with Chuck Colson, April 17, 1973.

- C. Colson.
H. Holly Holm (Colson's secretary).
E. Ehrlichman.
E. Hello.
H. Hello, Mr. Colson's office.
E. Yes, this is John Ehrlichman.
H. Hi, Mr. Ehrlichman.
E. Mr. Colson in?
H. Yes, just a minute please.
C. Hello.
E. Hi.
C. Hi, John, I'll be over about 11 if that's convenient.
E. Fine, that's very good.
C. Two quick questions, though. One thing I should tell you is that our great find last night really started accelerating. Something coming out this morning. Dean involved. Now I notice the LA Times has it this morning but the people that Shapiro has been getting information from, you know, the town is buzzing with, is alive with the story, so I don't think we have a helluva lot of time.
E. All right.
C. I just thought I'd let you know that.
E. I appreciate it.
C. Did he, when he went over there, was he given any immunity?
E. Not yet.
C. What they've done, apparently.
E. They shouldn't give it to him.
C. I know it. What they said to him is that unless he turns up corroborated evidence against Haldeman and me.
E. Is that who he's trying to make?
C. Sure.
E. Who, Dean is?
C. Yep.
C. That's John Mitchell again. Son of a bitch.
E. Unless he does that he doesn't get immunity. Now my grapevine tells me that you are going to be summoned over there today.
C. Oh, really?
E. Yep. And that they're going to ask you about a meeting in my office which Dean has highlighted as the central gemstone in the case against me and so just in case you get hauled over there before 11 o'clock, maybe I'd better tell you about it. It was a meeting that Kehrli, Clawson, you, Dean and I had here.
C. I wasn't there.
E. In my office.
C. I was not there. Dean tried this one out on me Friday night, and I said the only thing I can ever recall, John, is I once told you I thought it was a stupid, god-damn thing for Hunt to be unavailable.
E. Well, that's the meeting where supposedly I ordered him to tell Hunt to leave the country.
C. Never heard that. And I will SO state under oath.
E. Or that I admonished everyone that we ought to figure out some way to deep six the contents of Hunt's safe.
C. No. No way. I was the one who said go get Hunt's safe and be sure it's preserved for the FBI.
E. Right.

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- O. A. and B it's stupid to get another country. But that was in my office, not yours. And you weren't present.
- C. I can handle that one easily.
- E. But you were not in a meeting here?
- C. Well, I may have been but I sure don't remember that.
- E. That's the way. OK.
- C. All right? I can handle that.
- E. Thank you, I'll see you at 11.
- C. There's a couple of things you and I need to do to protect each other's flank here but we'll talk about that, but no, I'm serious.
- E. Fair enough.
- C. Let's get it clearly understood that son of a bitch doesn't get immunity. I want to nail him.
- E. Well I'm doing my best.
- C. No, I want to nail him. I'll take immunity first.
- E. OK.
- C. All right?
- E. All right.
- C. Thanks.

NOV 29 1973

JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DWIGHT L. CHAPIN,
Defendant.Criminal No. 990-73
Violation of
18 U.S.C. § 1623
(False Declarations)INDICTMENTCOUNT ONE

The Grand Jury charges:

1. On or about April 11, 1973, in the District of Columbia, DWIGHT L. CHAPIN, the defendant, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, sections 371, 612, 2511, and 22 D.C. Code 1801(b) and other statutes of the United States and of the District of Columbia had been committed

Beall J.

FILED IN OPEN COURT

MAR 1 - 1974

JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JOHN N. MITCHELL, HARRY R.
HALDEMAN, JOHN D. EHRICHMAN,
CHARLES W. COLSON, ROBERT C.
MARDIAN, KENNETH W. PARKINSON,
and GORDON STRACHAN,

Defendants.

Criminal No. 74- 110

Violation of 18 U.S.C.
§§ 371, 1001, 1503, 1621,
and 1623 (conspiracy,
false statements to a
government agency, ob-
struction of justice,
perjury and false
declarations.)

INDICTMENT

The Grand Jury charges:

Introduction

1. On or about June 17, 1972, Bernard L. Barker, Virgilio R. Gonzalez, Eugenio R. Martinez, James W. McCord, Jr. and Frank L. Sturgis were arrested in the offices of the Democratic National Committee, located in the Water-gate office building, Washington, D. C.; while attempting to photograph documents and repair a surreptitious elec-tronic listening device which had previously been placed in those offices unlawfully.

2. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the De-partment of Justice, a department and agency of the United States, and the Central Intelligence Agency was an agency of the United States.

3. Beginning on or about June 17, 1972, and con-tinuing up to and including the date of the filing of this

FILED ✓

MAR 1 1974

JAMES F. DAVEY, Clerk

COUNT FIVE

The Grand Jury further charges:

1. On or about April 20, 1973, in the District of Columbia, JOHN N. MITCHELL, the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of efforts to conceal, and to cause to be concealed information relating to unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D. C., and related activities.

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4. At the time and place alleged, JOHN N. MITCHELL, the DEFENDANT, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

Q. Did Mr. LaRue tell you that Mr. Liddy had confessed to him?

A. No, I don't recall that, no.

Q. Did Mr. Mardian tell you that he'd confessed to him?

A. No.

Q. Do you deny that?

A. Pardon me?

Q. Do you deny that?

A. I have no recollection of that.

* * *

Q. So Mr. Mardian did not report to you that Mr. Liddy had confessed to him?

A. Not to my recollection, Mr. Glanzer.

Q. That would be something that you would remember, if it happened, wouldn't you?

A. Yes, I would.

* * *

Q. I didn't ask you that. I asked you were you told by either Mr. Mardian or Mr. LaRue or anybody else, at the Committee, prior to June 28th, 1972, that Mr. Liddy had told them that he was involved in the Watergate break-in?

A. I have no such recollection.

5. The underscored portions of the declarations quoted in paragraph 4, made by JOHN N. MITCHELL, the DEFENDANT, were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)

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COUNT THIRTEEN

The Grand Jury further charges:

1. On or about April 11, 1973, in the District of Columbia, GORDON STRACHAN, the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of efforts to conceal, and to cause to be concealed, information relating to unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C., and related activities.

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4. At the time and place alleged, GORDON STRACHAN, the DEFENDANT, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

Q. Did you, yourself, ever receive any money from the Committee for the Re-election of the President, or from the finance committee to re-elect the President?

A. Yes, sir, I did.

Q. Can you tell the ladies and gentlemen of the Grand Jury about that?

A. Yes, sir. On April 6, 1972, I received \$350,000 in cash.

* * *

Q. From whom?

A. From Hugh Sloan.

* * *

Q. What was done with the money after you received it from Mr. Sloan on April 6th?

A. I put it in the safe.

Q. Was the money ever used?

A. Pardon?

Q. Was the money ever used?

A. No, the money was not used.

Q. To your knowledge, was it ever taken out of the safe?

A. No.

Q. To your knowledge, is it still there?

A. No, it is not.

Q. Where is it?

A. I returned it to the committee, at Mr. Haldeman's direction, at the end of November.

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Q. November of '72?

A. Yes, '72, or early December.

* * *

Q. To whom did you return it?

A. To Fred LaRue.

Q. Where did that transfer take place?

A. I gave it to Mr. LaRue in his apartment.

* * *

Q. That was either late November or early December?

A. That's correct.

Q. Well, let me ask you this: Why would it have been given to Mr. LaRue at his apartment as opposed to being given to the Committee?

A. Well, Mr. LaRue is a member of the Committee and he just asked me to bring it by on my way home from work.

Q. After Mr. Haldeman told you to return the money, what did you do? Did you contact someone to arrange for the delivery?

A. Yes, I contacted Mr. LaRue.

Q. That was at Mr. Haldeman's suggestion or direction?

A. No.

Q. Why is it that you would have called Mr. LaRue?

A. I don't think Stans was in the country at that time. He was not available.

Q. What position did Mr. LaRue occupy that would have made you call him?

A. He was the senior campaign official.

Q. That's the only reason you called him?

A. That's correct.

Q. No one suggested you call him?

A. No.

* * *

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Q. Was anyone present in Mr. LaRue's apartment at the hotel when you delivered the money to him?

A. No.

Q. Did you ever tell anyone to whom you had given the money? Did you report back to either Mr. Haldeman or anyone else that you had delivered the money and to whom you had delivered the money?

A. I don't think so. I could have mentioned that I had done it. When I received an order, I did it.

Q. Did you get a receipt for the money?

A. No, I did not.

Q. Did you ask for it?

A. No, I did not.

A JUROR: Why?

THE WITNESS: I did not give a receipt when I received the money, so I didn't ask for one when I gave it back.

* * *

A JUROR: Did someone count the money when it came in and when it went out, so they knew there were no deductions made from that \$350,000?

THE WITNESS: Yes, I counted the money when I received it, and I counted it when I gave it back.

A JUROR: You solely counted it; no one else was with you?

THE WITNESS: I counted it when I received it alone, and I counted it in front of Mr. LaRue when I gave it back.

A JUROR: You had that money in the White House for seven months and did nothing with it?

THE WITNESS: That's correct.

* * *

Q. So who told you to give it to Mr. LaRue?

A. I decided to give it to Mr. LaRue.

Q. On your own initiative?

A. That's correct.

Q. Who do you report to?

A. Mr. Haldeman.

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Q. Did you report back to Mr. Haldeman that you gave it to Mr. LaRue?

A. No, I did not.

Q. You just kept this all to yourself?

A. He was a senior official at the campaign. I gave it back to him. He said he would account for it, and that was it.

Q. Who told you to go to Mr. LaRue and give him the money?

A. I decided that myself.

Q. Do you have a memo in your file relating to this incident?

A. No, I do not.

Q. Did you discuss this incident with anybody afterwards?

A. Yes, I told Mr. Haldeman afterwards that I had given the money to Mr. LaRue.

Q. What did he say to you?

A. Fine. He was a senior campaign official.

Q. What time of day was it that you gave it to Mr. LaRue?

A. In the evening, after work.

Q. Does the finance committee or the Committee to Re-elect the President conduct its business in Mr. LaRue's apartment?

A. No. It was a matter of courtesy. He's a senior official. He asked me to drop it by after work.

* * *

THE FOREMAN: Do you have any idea why Mr. LaRue asked you to return this money to his apartment, where actually you could just walk across 17th Street?

THE WITNESS: No, I do not.

THE FOREMAN: And you could have had the protection of the Secret Service guards with all that money, if you were afraid someone might snatch it from you.

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THE WITNESS: I wouldn't ask for the Secret Service guards protection.

A JUROR: Why not?

THE WITNESS: They protect only the President and his family.

THE FOREMAN: Or the White House guards, whoever. I mean, I find it somewhat dangerous for a person to be carrying this amount of money in Washington, in the evening, and you accompanied by your brother, when it would have been much easier and handier just to walk across 17th Street.

THE WITNESS: I agree, and I was nervous doing it, but I did it.

* * *

THE FOREMAN: I'm still puzzled. You get the money from the treasurer or whatever Mr. Sloan's position was in the Committee -- shall we say on an official basis, between the disburser and you as the receiver, and the money sits in the safe for seven months; then Mr. Haldeman decides it has to go back to the Committee. You call Mr. LaRue -- you don't call Mr. Sloan and say "Hugh, seven months ago you gave me this \$350,000 and we haven't used any of it; I'd like to give it back to you since I got it from you", but you call Mr. LaRue.

THE WITNESS: Mr. Sloan was no longer with the Committee at that time.

THE FOREMAN: Well, whoever took Mr. Sloan's place.

THE WITNESS: Mr. Barrett took Mr. Sloan's place.

THE FOREMAN: Why didn't you call him?

THE WITNESS: I honestly don't know.

* * *

Q. When you got to Mr. LaRue's apartment was he expecting you?

A. Yes. I said I would be by.

Q. And no one was present when you were there?

A. No, sir.

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Q. Was the money counted?

A. Yes, sir, I counted it.

* * *

A JUROR: It must have taken a long time to count that money.

THE WITNESS: It did. It took about 45 minutes. It takes a long time to count it.

* * *

Q How did you carry this money?

A. In a briefcase.

Q. Did you take the briefcase back, or did you leave it?

A. No, I left the briefcase.

Q. Whose briefcase was it?

A. Gee, I think it was mine. I'm honestly not sure.

Q. Did you ever get the briefcase back?

A. I don't think so.

Q. Have you spoken to Mr. LaRue since that day?

A. No -- well, I ran into him at a party two weeks ago.

Q. Did you have a discussion?

A. No, just talked to him.

5. The underscored portions of the declarations quoted in paragraph 4, made by GORDON STRACHAN, the DEFENDANT, were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)

A TRUE BILL

LEON J. JANKO
Special Prosecutor
Watergate Special Prosecution
Force

Foreman

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Mr. DASH. And Mr. Haldeman knew that then, did he not?

Mr. MAGRUDER. I cannot recall in my meeting with him in January whether—yes, I am sure I did discuss those meetings, yes.

Mr. DASH. So the attempt to get together and agree on that meeting was an attempt to get together and agree on at least from your point of view, would be the full story?

Mr. MAGRUDER. That is correct, Mr. Haldeman recommended that Mr. Dean and Mr. Mitchell and I meet, which we did that afternoon.

Mr. DASH. What was the result of that meeting?

Mr. MAGRUDER. I realize that Mr. Dean had different opinions then as to what he would do probably, and so then my—I thought that probably it was more appropriate that even on that Monday that I get separate counsel so that I could get advice independent of the individuals who had participated with me in these activities.

Mr. DASH. In other words, you really could not agree at the meeting with Mr. Mitchell and Mr. Dean.

Mr. MAGRUDER. Well, it was cooperative.

Mr. DASH. What was Mr. Dean's position?

Mr. MAGRUDER. He would not indicate a position.

Mr. DASH. All right. Did there come a time when you did get independent counsel?

Mr. MAGRUDER. Yes, Mr. Parkinson, who was counsel of the committee, recommended Mr. Bierbower and on that Saturday I went to meet him, he was out of the country, and I met him and we agreed, he agreed to be my counsel that Saturday evening.

Mr. DASH. Did there come a time when you decided that you should go to the U.S. attorney's office?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. When did you go to the U.S. attorney's office?

Mr. MAGRUDER. We agreed, they discussed the things with the U.S. attorney, I think on April 12 and I saw them informally on April 13 and saw them formally on April 14 on Saturday, April 14.

Mr. DASH. At that time did you tell everything to the assistant U.S. attorneys?

Mr. MAGRUDER. Yes, I cooperated.

Mr. DASH. Who did you meet with?

Mr. MAGRUDER. Mr. Silbert, Mr. Glanzer, and Mr. Campbell.

Mr. DASH. Did you tell them everything you are now telling this committee?

Mr. MAGRUDER. Yes.

Mr. DASH. Did you have a meeting afterward with Mr. Ehrlichman?

Mr. MAGRUDER. Yes, Mr. Ehrlichman called while I was with the U.S. attorneys and asked me would I come over and talk to him about the case. We talked to the U.S. attorneys and they agreed as a courtesy that we should and Mr. Bierbower and the other attorney with Mr. Bierbower and I went to see Mr. Ehrlichman that afternoon.

Mr. DASH. Then, according to that meeting that you had with Mr. Ehrlichman, what happened?

Mr. MAGRUDER. We told him in rather capsule form basically what I told you this morning.

Mr. DASH. All right.

Now, I have just two final questions. I want to go back to the time when you came back from California to Washington, putting you back

I had been in continuous contact since March 25 with my attorney, Tom Hogan, regarding whom he felt was the best available man in the criminal law field that I might discuss this entire matter with. We had talked on several occasions about Charles Shaffer, whom I had met several years ago and regarded highly as a criminal lawyer.

On March 28 and 29, however, I made several other calls to friends to ask them for suggested names of knowledgeable criminal lawyers, but decided on March 30 that I would retain Mr. Shaffer if he were available. Mr. Hogan informed me that he was and we arranged to meet with him.

The President, along with Haldeman and Ehrlichman, were going to be in California for a week or more in connection with the President's meeting with President Thieu of South Vietnam and I felt that this would give me an opportunity to decide how best I could come forward and end this matter. I had decided that I was going to inform the prosecutors of what the case was all about but before I did so I felt that I should consult with counsel to determine the scope of my own problems.

On March 30, shortly after lunch, I met with Mr. Hogan and Mr. Shaffer. I spent 5 hours telling them everything that I could remember and telling them that I was unwilling to continue in the coverup. Mr. Shaffer advised me to avoid further conversations regarding this subject and said that he would like to talk with me again on Monday morning prior to his seeing the prosecutors.

Accordingly, we met again on Monday morning, April 2, and discussed the matter for several hours more. That afternoon, my attorneys went to the Government prosecutors and told them that I was willing to come forward with everything I knew about the case.

From the outset I was confronted with the problems of executive privilege, attorney-client privilege, and national security. Thus, it was agreed until these problems were resolved that I would exclude matters involving the President from these conversations. I was also uncertain of many of the dates and details of the facts that I had general knowledge of so I began reconstructing a chronology of events. As each session progressed, I was able to provide more information, more leads, and more explanations of the interrelationships within the White House and the relationships of persons who were involved.

During the period of April 2 until April 15, the meetings I had with the prosecutors were initially focusing on the activities which had led up to the June 17 break-in at the Democratic National Committee and all the knowledge I had regarding the events before June 17, but as our discussions evolved and I began telling them more and more of the coverup, their interest began to focus more and more in that area.

As I began explaining what I knew, it was evident that the prosecutors had no conception of how extensive the coverup was so I tried to provide them with all the details that I could remember. Also, as the conversations regarding the coverup began to get into more and more specifics, we moved into areas that came closer and closer to the President, but prior to April 15 I did not discuss any of the areas of Presidential involvement.

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Mr. LENZNER. Well, the interview, the typed interview indicates it was on June 7.

Mr. MILLER. I have in my diary, I have witnesses in my office that that meeting occurred in my office the 8th day of June, if your staff memorandum is incorrect, so be it.

Mr. LENZNER. Well, the point, the only question I am asking now, Mr. Moore—

Mr. MOORE. Before you do, I have here the 10 references in the record where you gave the wrong date, and I would like to offer it with the request that it be corrected and—if one wants them. However, of course, it is my theory that, of the fact Mr. Lenzner, of failing to remember a bare date without some connection and reference is something that can happen to anybody, and I welcome them to the club. It obviously does not affect the substance of what happened at the meeting.

Mr. LENZNER. I understand that.

Mr. MOORE. I am not trying, you know, to press that but it is just a reminder that a day by itself does not always connote something to someone.

Mr. LENZNER. Well, my point now, Mr. Moore, is that we did go over the dates in 1972 that I inquired about, and I also understand you went over those dates at the U.S. attorney's office with someone in May 1973, is that correct?

Mr. MOORE. Well, now, let's see.

Mr. LENZNER. Did you have an interview—

Mr. MILLER. Mr. Lenzner—

Mr. LENZNER. Let me repeat the question, did you have an interview with the U.S. attorney's office in May of this year?

Mr. MOORE. Well, just a moment. No, no.

Mr. LENZNER. When was that interview?

Mr. MOORE. April 30.

Mr. LENZNER. Did you go over some of these dates at that time?

Mr. MILLER. Mr. Chairman, I would like to address an inquiry to the chairman.

Mr. LENZNER. Mr. Chairman, Mr. Miller has a question.

Mr. MILLER. Mr. Chairman, just a question that I would raise. Mr. Lenzner has indicated that he is going to commence to interrogate Mr. Moore about interviews that he has had in the U.S. attorney's office. Of course, Mr. Moore has been there in April, he testified or can testify he gave a full and complete interview to the U.S. attorney's office. On Wednesday of last week he spent most of the day with the special prosecutor and members of his office.

Now, I am perfectly willing, if the committee desires, that you interrogate this man concerning what subject matter the U.S. attorney's office and the special prosecutor went into with respect to what his knowledge was. I query, Mr. Chairman, whether at this stage of the game that this is something that should be considered by the committee; if I were a prosecutor myself I think I would have some reluctance to have individuals within, before my office, then appear before the committee and be interrogated about what they were asked. As I say, it is up to the Chair.

Senator ERVIN. Well, I would say that the general rule is that a witness may be asked what he has stated to any other person for the

Mr. DASH. Did you use your own judgment?

Mr. LaRUE. I told Mr. Dean I would not do this, would not make the delivery without somebody else's OK.

Mr. DASH. What did you do, Mr. LaRue?

Mr. LaRUE. Mr. Dean suggested I call Mr. Mitchell.

Mr. DASH. Did you?

Mr. LaRUE. Yes, sir.

Mr. DASH. What discussion did you have with Mr. Mitchell?

Mr. LaRUE. I discussed my telephone conversation with Mr. Dean, told Mr. Mitchell that Mr. Dean no longer was willing or was no longer in the money business. I asked Mr. Mitchell whether I should make this delivery or not.

Mr. DASH. What did he say?

Mr. LaRUE. He asked me the purpose of it. I told him my understanding was that it was for attorney's fees. He told me he felt I ought to pay it.

Mr. DASH. When you told him you understood it was attorneys' fees, you also let him know it was attorneys for the particular defendants in the Watergate case?

Mr. LaRUE. Mr. Dash, I can't recall that. I was just assuming, I think, it was attorneys' fees for the Watergate defendants.

Mr. DASH. In your discussion, you made an assumption, certainly, that he knew what you were talking about and whose attorneys' fees were involved?

Mr. LaRUE. Yes, sir.

Mr. DASH. And he said you ought to go ahead and pay it?

Mr. LaRUE. Yes, sir.

Mr. DASH. And did you?

Mr. LaRUE. Yes, sir.

Mr. DASH. And you followed the same method?

Mr. LaRUE. Same method.

Mr. DASH. That was a bigger packet, though, was it not?

Mr. LaRUE. You would be surprised, Mr. Dash, how many \$100 bills you can get in a small package.

Mr. DASH. Good things come in small packages.

Now, when did you go to the U.S. attorney, Mr. LaRue?

By the way, prior to that \$75,000 payment to Mr. Bittman, was not this just shortly before Mr. Hunt was sentenced on March 23?

Mr. LaRUE. I think that is correct, yes, sir.

Mr. DASH. Now, there came a time when you did go to the U.S. attorney, is that not true?

Mr. LaRUE. Yes, sir.

Mr. DASH. Would you tell us about when that was?

Mr. LaRUE. As I recall, Mr. Dash, that would be approximately the middle of April—April 16 or 17.

Mr. DASH. Did you go voluntarily?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did you have a discussion with Mr. Dean before you went?

Mr. LaRUE. Yes, sir.

Mr. DASH. Could you tell us something about the discussion?

Mr. LaRUE. Yes, sir, I went to see—called Mr. Dean—told him I would like to talk to him. I asked him—told him that because of the

MISCELLANEOUS DOCKET

United States District Court for the District of Columbia

Number	Parties	Action	Petitioner's Atty.
47-73	IN RE - GRAND JURY PROCEEDINGS		Respondent's Atty. PETER L. MARCOLIS THOMAS A. SOKAL 1819 K St., N.W. Washington, D. C.
Date	Proceedings	Fees	Total
1973 Mar 26	Letter dated 3-15-73 from Henry E. Petersen, Asst. Atty. Gen. to Harold H. Titus, US Atty., advising that request for authority to apply to USDC for an order requiring George Gordon Liddy to give testimony before grand jury with a grant of immunity pursuant to 18 USC 6003 and 28 CFR 0.175 is approved.		
Mar 26	Motion by US Atty. for D.C. for an order compelling George Gordon Liddy to give testimony before grand jury with a grant of immunity pursuant to 18 USC 6001 et seq., filed in open court, heard in part and continued for further hearing until March 30, 1973; counsel for respondent Liddy to file opp. to motion not later than 10:00 A.M, March 29, 1973; deft. Liddy present and remanded to D. C. Jail. (Rep: N. Sokal) Sirica, C.J.		
Mar 27	<u>AS OF MARCH 27, 1973</u> Case called by Asst. US Atty. for purpose of obtaining leave to Court to proceed immediately with Grand Jury interrogation of Everette Hunt, Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and Virgilio R. Gonzalez; leave to proceed forthwith granted. (Rep: N. Sokal) Sirica, C.J.		
Mar 28	Letter dated 3-15-73 from Henry E. Petersen, Asst. Atty. General, to Harold H. Titus, Jr. U.S. Atty, Granting request for authority to apply to USDC for an order requiring Everette Howard Hunt, Jr., to give testimony with a grant of immunity pursuant to 18 USC 6001 et seq. Filed. Sirica, C.J.		
Mar 28	Motion by U.S. Atty for an order compelling Everette Howard Hunt, Jr. to give testimony before grand jury with a grant of immunity pur to 18 USC 6001 et seq, Filed in Open Court, Heard & GRANTED. (Rep-N. Sokal) Sirica, C.J.		
Mar 28	Order directing Everette Howard Hunt, Jr., to give testimony before grand jury with a grant of immunity pur to 18 USC 6001 et seq, (N) Sirica, C.J.		
Mar 29	Deft. Liddy's response to Govt motion under Title 18, U.S. Code, Section 6001, et al; c/s 3-29-73, Filed. Sirica, C.J.		
Mar 29	Transcript of proceedings of 3-26-73, pages 1-26, incl; Court's copy. (Rep-N.Sokal) Sirica, C.J.		

47-73

vs.

No.

ate	Proceedings	Fees	Total
73			
Mar. 30	Further hearing held on motion by U.S. Atty for an order compelling George Gordon Liddy to give testimony before Grand Jury pursuant to 18 USC 6001 et. seq. Motion by U.S. Atty; <u>Granted</u> . (Rep-N.Sokal) Sirica, C.J.		
Mar. 30	ERROR.		
Apr. 3	Motion by Govt. to adjudicate George Gordon Liddy in contempt for his refusal to answer certain questions before the Grand Jury as he was ordered to on 3-30-73, Filed In Open Court, Heard & Granted. (Rep-N.Sokal) Sirica, C.J.		
Apr. 3	Order finding that George Gordon Liddy has without just cause refused to testify before grand jury as previously ordered & directing that Mr. Liddy be confined until such time as he is willing to testify as ordered, provided, however, that the period of confinement shall not exceed the life of the grand jury, including extensions, & shall in no case exceed 18 months, & further directing that Mr. Liddy be confined in the D.C. Jail for the duration of imprisonment under the contempt statute; counsel for Govt. to prepare proposed findings of fact & conclusions of law to accompany order no later than 4-9-73. (N) Sirica, C.J.		
Apr. 3	Order staying execution of sentence in Cr. 1827-72 as of this date to recommence at the conclusion of his confinement for contempt as ordered. (Original filed in Cr. 1827-72)(N) Sirica, C.J.		
pr. 4	Motions (4) by US Atty for an order compelling Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis & Virgilio R. Gonzalez to give testimony before grand jury with a grant of immunity pur to 18 USC 6001, et. seq, together with letter from Henry E. Petersen, Asst. Atty. General, dated 3-15-73 to Harold H. Titus, Jr., U.S. Atty, Granting request to seek order as to each respondent, Filed in Open Court, Heard & Granted; 4 Orders, one pertaining to each respondent, signed. (Rep-N.Sokal) Sirica, C.J.		
Apr. 5	Copy of Letter dated 3-15-73 from Henry E. Petersen, Asst. Atty. General, to Harold H. Titus, Jr., U.S. Atty, approving request for authority to apply for an order compelling James W. McCord Jr. to testify before grand Jury with a grant of immunity pur. to 18 USC 6001 et. seq, filed in Open Court. (Rep-N.Sokal) Sirica, C.J.		
Apr. 5	Motion by Asst. U.S. Atty for an order compelling James W. McCord Jr. to testify before grand jury with a grant of immunity pur. to 18 USC 6001 et. seq, Heard & Granted. (Rep-N.Sokal) Sirica, C.J.		
Apr. 5	Order compelling James W. McCord Jr., testify before grand jury with a grant of immunity pur. to 18 USC, 6001 et. seq. (N) (Rep-N.Sokal) Sirica, C.J.		
pr. 11	Notice of appeal by deft. George Gordon Liddy from the judgment of April 3, 1973; Copy mailed to Earl J. Silbert, Asst. U.S. Atty; Deposit by Maroulis, \$5.00.	5 00	5 00
pr. 12	In Re: George Gordon Liddy: Findings of fact & conclusions of Law finding George Gordon Liddy, without just cause, has refused to comply with an order of Court that he testify before grand jury. (N)(Rep-Sokal) Sirica, C.J.		

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. Did Mr. Magruder ask you to make any other statements which you knew to be false?

Mr. PORTER. Yes, sir; he did.

Mr. DORSEN. What did he ask you?

Mr. PORTER. Shortly after that, he asked me to, if I would increase the amount of money that I was going to say that I gave to Mr. Liddy, and I said, no, I would not do that. He said, why not?

I said because I just absolutely—I did not give him that amount of money and I will not say I gave him that amount of money.

I said the conversation that you are asking me to relate, I can conceive of it happening because I would have told you that in December if you had asked me. And that is a strange answer, but that is the answer I gave him. And I would not increase the amount of money. He wanted me to say that I gave Mr. Liddy \$75,000, when in fact, I had given him some \$30,000 to \$35,000—\$32,000.

Mr. DORSEN. Did Mr. Magruder tell you why he wanted the high figure?

Mr. PORTER. No, sir; he did not.

Mr. DORSEN. When was the first time you told any investigatory body that you had not testified truthfully at the grand jury and at the trial?

Mr. PORTER. April 18, I believe.

Mr. DORSEN. 1973?

Mr. PORTER. 1973, yes, sir.

Mr. DORSEN. Mr. Chairman, I have no further questions at this time.

Senator ERVIN. We have a vote on in the Senate, so it will be necessary for us to take a recess so the members of the committee can go and vote.

[Recess.]

Senator ERVIN. The committee will come to order.

Mr. Thompson.

Mr. THOMPSON. Mr. Porter, as I understand it, your statement here this morning is to the effect that you agreed with Mr. Magruder that you would tell the grand jury a false story, is that correct?

Mr. PORTER. What I agreed to specifically, Mr. Thompson, was that I would agree initially to corroborate a story that Mr. Magruder was going to tell to the FBI, which I felt was, in effect, replacing one lawful authorization for another lawful authorization.

Mr. THOMPSON. Well, was it or was it not a false story?

Mr. PORTER. Yes, that is absolutely correct; it was a false statement.

Mr. THOMPSON. Well, you gave this false statement to the grand jury?

Mr. PORTER. Yes, sir.

Mr. THOMPSON. And you gave it at the trial in January?

Mr. PORTER. Yes, sir.

Mr. THOMPSON. When did you go to the proper authorities and tell them the truth about these matters?

Mr. PORTER. The appointment was on April 18 at the U.S. attorney's office, although the contact had been made earlier than that, or the contact to set up an appointment, I mean.

Mr. THOMPSON. When was the contact made?

77. On April 18, 1973 the President had telephone conversations with Henry Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m. Petersen has testified that the President told him that Dean said he had been granted immunity and the President had it on tape, and that Petersen denied that Dean had been granted immunity. Petersen told the President that the prosecutors had received evidence that Gordon Liddy and E. Howard Hunt had burglarized the office of Dr. Fielding, Daniel Ellsberg's psychiatrist. The President told Petersen that he knew of that event; it was a national security matter; Petersen's mandate was Watergate; and Petersen should stay out of the Fielding break-in. The President told Petersen that the prosecutors should not question Hunt about national security matters. After this telephone call, Petersen relayed this directive to Silbert.

In response to the Committee's subpoena for the tape recording and other evidence of the telephone conversations between the President and Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m., the President has produced an edited transcript of the conversation from 2:50 to 2:56 p.m., during which the President and Petersen dis-

cussed immunity for Dean and Magruder. A summary of that transcript has been prepared. The President has informed the Committee that the telephone call from 6:28 to 6:37 p.m. was placed from Camp David and was not recorded.

	Page
77.1 President Nixon daily diary, April 18, 1973, Exhibit 49, <u>In re Grand Jury</u> , Misc. 47-73.....	1469
77.2 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 18, 1973, 2:50 - 2:56 p.m.,.....	1472
77.3 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 73-75 (received from Watergate Grand Jury).....	1474
77.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 12-14, 19-20 (received from Watergate Grand Jury).....	1477
77.5 Henry Petersen testimony, 9 SSC 3630-31, 3654-56.....	1482
77.6 President Nixon statement, August 15, 1973, 9 Presidential Documents 991, 993.....	1487
77.7 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1016, 1020.....	1489
77.8 John Dean testimony, 3 SSC 1019-20.....	1491

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)
APRIL 18, 1973
TIME DAY
12:04 a.m. WEDNESDAY

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:05	12:20	P	✓	The President talked with his Assistant, H. R. Haldeman.
7:58				The President went to the Oval Office.
8:17	8:26			The President met with: Ronald L. Ziegler, Press Secretary Mr. Haldeman Mr. Ziegler
8:11	8:38			
8:33	8:38			
8:38				The President went to the Cabinet Room.
8:38	10:17			The President met to discuss his energy message to Congress with bipartisan Congressional leaders. For a list of attendees, see <u>APPENDIX "A."</u> White House photographer, in/out
10:17				The President returned to the Oval Office.
10:20				The President went to the Roosevelt Room.
10:20	11:16			The President met to discuss the emigration problems regarding Soviet Jews with bipartisan Congressional leaders. For a list of attendees, see <u>APPENDIX "B."</u>
11:16				The President returned to the Oval Office.
11:22	12:11			The President met with: Giulio Andreotti, President of the Council of Ministers of Italy Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Henry A. Kissinger, Assistant
11:22	12:11			
11:22	12:11			
11:24	12:11			
12:11				The President escorted Prime Minister Andreotti to his car parked in the south driveway.
12:12				The President returned to the Oval Office. He was accompanied by John A. Volpe, Ambassador from the U.S. to Italy
12:12	12:20			The President met with Ambassador Volpe.
12:20	12:21	P	✓	The President talked with Vice President Spiro T. Agnew.
12:22	12:25			The President met with Mr. Kissinger.

Misc. 47-73
Source: In re Grand Jury Proceedings

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 18, 1973	
PLACE DAY BEGAN				TIME DAY 12:25 p.m. WEDNESDAY	
THE WHITE HOUSE WASHINGTON, D.C.					
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	Lo	LD		
12:25	12:33		✓	The President met with: Mr. Haldeman	
12:27	12:32			Mr. Ziegler	
12:33	12:51			The President met with: Rainer Barzel, Chairman of the Christian Democratic Union of the Federal Republic of Germany Erich Feldweg, German interpreter Mr. Kissinger Members of the press, in/out White House photographer, in/out	
12:48	12:58	P		The President talked with Secretary of the Treasury George P. Shultz.	
1:03	1:17			The President met with: Congressman William G. Bray (R-Indiana) Lorin J. Badskey, Chairman of the Board and Chief Executive of LML Engineering and Manufacturing Corporation and President of Kiwanis International Darrell Coover, National Board Member of Kiwanis International Max L. Friedersdorf, Special Assistant Members of the press, in/out White House photographer, in/out	
1:18				The President went to his private office.	
2:43				The President returned to the Oval Office.	
2:43	2:45			The President filmed a message on energy for broadcast on the evening news. Members of the press, in/out White House photographer, in/out	
2:45				The President returned to his private office.	
2:50	2:56	P	✓	The President talked with his Assistant Attorney General Henry E. Petersen.	
2:56				The President returned to the Oval Office.	
2:57	2:58	P		The President talked with his daughter, Julie.	
3:05	3:23		✓	The President met with Mr. Ehrlichman.	

PLACE DAY BEGAN				DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 18, 1973	
				TIME	DAY
				3:24 p.m. WEDNESDAY	
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	Lo	LD		
3:24	5:20			The President met with the Quadriad: George P. Shultz, Secretary of the Treasury and member of the Quadriad	
3:24	5:20			Arthur F. Burns, Chairman of the Board of Governors of the Federal Reserve System and member of the Quadriad	
3:24	4:55			Mr. Ehrlichman	
3:45	4:00			Mr. Kissinger	
4:06	5:20			Roy L. Ash, Director of the OMB and member of the Quadriad	
4:06	5:20			Herbert Stein, Chairman of the Council of Economic Advisers (CEA) and member of the Quadriad	
5:20	5:33			The President met with Mr. Kissinger.	
5:35				The President went to the South Grounds of the White House.	
5:36	6:04			The President flew by helicopter from the South Grounds of the White House to Camp David, Maryland. For a list of passengers, see <u>APPENDIX "C."</u>	
:05	6:10			The President motored from the Camp David helipad to Aspen Lodge.	
6:28	6:37		P	The President talked long distance with Mr. Petersen in Washington, D.C.	
6:30	8:05			The President met with: Mr. Haldeman Mr. Ehrlichman	
6:45	7:55			The Presidential party had dinner.	
8:07	8:18		P	The President talked long distance with Mr. Ziegler in Washington, D.C.	
8:18	8:20	P		The President talked with Mr. Ehrlichman.	
8:21	8:23		P	The President talked long distance with Mr. Ziegler in Washington, D.C.	
8:40				The President went swimming in the Aspen pool.	
9:06				The President returned to Aspen Lodge.	
CD/SM/JD					

SUMMARY OF EDITED WHITE HOUSE TRANSCRIPT

April 18, 1973, 2:50 to 2:56 p.m.

On April 18, 1973 the President telephoned Assistant Attorney General Henry Petersen and conversed with him by telephone from 2:50 to 2:56 p.m. The President asked, "Anything I need to know today?" Petersen replied, "No sir. There is no significant developments." Petersen said that Strachan is coming in and "we are still negotiating." He mentioned a problem of leaks from the Grand Jury and said that "We have the FBI checking out the reporter on the ground that they have leaked" the Grand Jury transcript. (p. 1) Petersen said he was pleased with the reaction "your statement got" and thought "it was probably the right thing to say." (pp. 2-3)

The President asked about Magruder and Dean. Petersen said they had not finished with Magruder and Dean, because their lawyers wanted time to think. The President said, "that was your suggestion, at least, that we should not do anything on Dean at this point." Petersen said he thought that was right and that he thought "you ought to just let him sit." (p. 3) The President said, "All I have is just information" to which Petersen responded, "That's right." The President continued that he had information "basically from you and from him, but it is information the gravity of which I just can't judge until I see whether it is corroborated." Petersen said, "You have to treat that as private, in any event." (pp. 3-4)

Petersen said he was "a little concerned about Senator Ervin's Committee," because "they have just, under the agreement Kleindienst worked out with Senator Ervin, have called the Bureau and asked to see the interview statements of Magruder, Porter, Sloan and LaRue." The President said, "Oh, my (expletive removed)." Petersen said he felt like he was sitting on a powder keg there, but did not dare go to Senator Ervin until he got a definite commitment from Magruder. (p. 4)

The President said, "On Magruder, what's waiting besides the Committee with him?" Petersen felt Magruder faced issues of whether or not the Judge is going to clap him in jail right away and whether or not the Committee is going to put pressure on him. Petersen, in response to a question by the President, said he had not yet tried to talk to Senator Ervin and did not want to "until I can tie him [apparently Magruder] down." Petersen said, "I've got to be able to say that I am coming out with something public in terms of a charge You know, have a valid basis for asking him to slow it up." (pp. 3-4) The President agreed.

The President said he was glad Petersen thought the statement went well; that the President had worked on it to be sure it didn't compromise anybody one way or the other. "As you noticed too," the President said, "I put the immunity thing. It leaves the ball in your court, but . . . on the other hand, I had to express the view because basically people are going to ask me, what about Mitchell, what about, you know, a lot of people and you know I just can't be in this position." Petersen said, "I agree wholeheartedly." The President said that lower people are different, but "upper people, you know, they might think I am protecting (unintelligible)." Petersen said he agreed. (p.5)

1 responsibility from me. No matter what you say or do, I'm
2 the only one who can make the decision. I'm the only one
3 that's going to be held responsible and it's not going to
4 serve me to say that you said do this or do that. I'm going
5 to have to decide it on the merits as best I see it."

6 He finally agreed to that.

7 Q And on the 18th did you have a discussion with
8 respect to immunity?

9 A Yes. I received a telephone call from the President
10 and he was rather angry. He said, in effect, "You told me
11 that Dean wasn't immunized and now I know that he is, and I
12 know that he is because he told me."

13 I said, "Well, that simply isn't so." I guess that
14 Presidents don't like you to say that it simply isn't so. The
15 conversation got nasty and it made me uneasy.

16 I said, "Well, I'll double check on it, but I know
17 that it isn't so."

18 I got in touch with Earl Silbert and I said, "Earl,
19 this is what he says. He says that he has it on tape and he
20 offered to let me listen to it and I told him I didn't want to
21 listen to it."

22 Q You left that part out of the conversation. I'm sorry,
23 Mr. Petersen. The President indicated that he had it on tape?

24 A Well, he said, "I know it's so." I said that I
25 thought that was wrong, and he said, "Well, I have it on tape."

DV

1 Do you want to hear it?" I said, "No, I'll accept your word
2 for it. If you tell me that's what Dean said, I'll accept it
3 but I think that's wrong. I don't see that he has any reason
4 -- he has not been immunized, and I'm the one that has to
5 exercise the authority and I know I haven't exercised it, but
6 I will check."

7 I asked Mr. Silbert to get in touch with Charlie
8 Schaffer, and Earl called me back later in the evening and
9 said, "Mr. Schaffer confirmed our understanding was correct,
10 that we were simply negotiating for immunity and no immunity
11 has been conferred either formally or informally."

12 I called the President back and told him that, and
13 that seemed to reassure him. It certainly reassured me. At
14 least he didn't think that I was misleading him, and I guess
15 that was my real concern at that point.

16 He said, "What else is new?" I said, "I got this
17 report that Liddy and Hunt burglarized Fielding's office."

18 Q Can I interrupt you for a second with that? Is this
19 the first that you had ever heard in this investigation of the
20 President or his agents tape recording any conversations?

21 A Yes, but it didn't surprise me.

22 Q I'm sorry. Go on.

23 A With respect to the second part of this conversation,
24 I would be surprised to learn that a chief of state did not
25 record conversations and I assumed when I spoke with him that

DV

our conversations were being recorded.

In any event, he said, "What else is new?", and then I dropped the next bombshell. It was that Dean had informed Silbert that Liddy and Hunt and company had burglarized Dr. Fielding's office who was Ellsberg's psychiatrist.

The President said, "I know about that. That's a national security matter. Your mandate is Watergate. You stay out of that."

I said, "Well, I have caused a check to be made, and we don't have any information of that nature in the case." I said, "Do you know where there is such information?", and he said no.

He said, "There's nothing you have to do." Then I got off the phone.

I called Mr. Silbert and told him what the President had said. I guess he was kind of upset about it. He just kind of grunted or groaned. I said, "Well, Earl, that's it."

Then I called Mr. Maroney and told him to -- Mr. Maroney is the Deputy Assistant Attorney General who has the Internal Security Section which had the Ellsberg case under his jurisdiction.

Without referring to the President, I told him to forget about it, that it was easier handled -- because Maroney had previously recommended that it was not necessary to make a disclosure of the facts to the trial court on what he

DV

1 could not, in substance, bring himself to put it on paper
2 because it would be a confession of Dean's own improper or
3 illegal activities.

4 Was it your impression, or did the President indi-
5 cate, that Dean had not, at the time that the President asked
6 Dean to prepare such a report, provided information which
7 would be incriminatory of Dean?

8 A Well, I suppose I better give you -- I think that
9 might be a fair inference but the President said, "Dean came
10 in and told me all about these things. My goodness, that was
11 the first time I heard. I sent him up to Camp David and told
12 him, 'Sit down and write this out.' He came back and hadn't
13 done it." Conclusion -- which was the President's -- "I
14 suppose he was too involved to be able to do it."

15 "And, at that point, I asked Ehrlichman to sit down
16 and get me the facts."

17 So there are two inferences. One that Dean was
18 distraught and, two, that he was involved, and three, the
19 President, now, couldn't rely on him because the President
20 thought he was involved, in any event -- that's a possible
21 third inference.

22 Q Now, do you recall discussing with the President,
23 at some time -- strike that.

24 I think you have testified earlier that the Presi-
25 dent, at some time, indicated to you that Dean had been

DV

1 promised immunity and that you had some discussion with the
2 President about it. When did that take place?

3 A That took place in the telephone call on April 18th
4 from Camp David and he was very upset and there were two --
5 well, it kind of upset me, too, because one, the only impli-
6 cations you could draw from that very forceful comment and
7 conversation by the President was that, one, I did not know
8 what in the hell was going on or, two, that I deliberately
9 concealed information from him, neither of which made me feel
10 very jolly.

11 And I undertook to check with Silbert & Company
12 and Silbert checked with Silbert checked with Charlie Shaffer,
13 Dean's lawyer, in order to make certain because the President
14 -- this was important, not only because of what the President
15 thought of me, which probably is of the least importance,
16 but because of a major concern that if Dean was telling the
17 President he was immunized, somehow or other we and the pro-
18 secution had goofed, and goofed badly.

19 Q Was this a conversation in which the President,
20 after you said Dean did not have immunity, said, "I have it
21 on tape. Do you want to hear it?"

22 A That's right. That's right. That's correct. That
23 was in a subsequent telephone call when I reported back to
24 him.

25 Q Was there any indication that the President had

DV

1 reviewed this tape?

2 A No. He said -- I told him and he said, almost as
3 by way of explanation or almost apology for the strength of
4 his statement, "Well, I have it on tape if you want to hear
5 it." And I said, "No, I don't want to hear it. I take your
6 word for it." But I didn't want to hear it because I didn't
7 want to hear anything that came from John Dean other than
8 we were getting from John himself.

9 But, in any event, you know, the other factor was,
10 it's very awkward to say, "All right, Mr. President, I don't
11 believe you. Let me hear the tape." And I didn't want to
12 indulge that either.

13 Q Now, when was the first time there was ever any
14 mention between -- in a conversation between yourself and
15 the President of money paid to the Watergate defendants in
16 a surreptitious manner, the source of which was either the
17 Committee to Re-elect the President or the White House?

18 A My guess is -- and I can't specifically remember,
19 first of all, but my guess is that we mentioned that money
20 in connection with Ehrlichman's knowledge of the cover-up
21 on April 15th but, in any event, it was sometime during that
22 week.

23 But I think that was one of the items, April 15th
24 or April 16th, that we had with respect to Ehrlichman. One
25 of the few, at that point.

DV

1 A That it was necessary for him to learn all of the
2 facts with respect to this matter so the President, or Head
3 of State, would be able to take whatever action was appro-
4 priate.

5 Q Now, going back to the time when the President
6 spoke to you, on the 18th, about whether or not Dean had
7 been granted immunity. Aside from the President's constena-
8 tion about not having been informed of a decision which he
9 thought had been made and carried out, did he indicate any-
10 thing about the substance of the question of immunity to Dean?

11 A I'm not sure what you mean by "substance" in that
12 context.

13 Q That is the pros and cons of giving Dean immunity
14 as opposed to his disappointment about not being advised.

15 A No. There were those conversations but not at the
16 time of that telephone call where he raised the question.

17 Q Well, when you called him back and informed him
18 that someone was mistaken and no such agreement had been
19 arrived at, did he, at that time, reiterate his position
20 or his various feelings on immunity?

21 A No. At that time, we were three days beyond our
22 earlier discussion with respect to immunity and I think that
23 we pretty much had a meeting of the minds that this was a
24 sober decision and I had to make it and I would take all of
25 these factors into consideration.

DV

1 So there was no further discussion, at that point,
2 other than to say that my inquiry had confirmed through
3 Charles (Jaffa) that we were in a negotiating posture. No
4 immunity, either formal or informal, had been accorded and,
5 indeed, that no stopple had been created insofar as grants
6 of immunity was concerned.

7 Q Did the President ever indicate to you, or discuss
8 with you, the question of immunity for Ehrlichman or Haldeman
9 and, specifically, the question of national security matters
10 that either of the two might have been involved in which
11 may have appeared to entail some criminal activity?

12 A No. No.

13 Q Back to that day on --

14 A That would have been preposterous. I was in no
15 mood to hear anybody discuss -- it's hard to second guess
16 yourself and look back, or project what you might have done,
17 but that's one of the things that I think would have caused
18 me to get up and leave.

19 Q Did the President ever indicate to you what he felt
20 the so-called Hunt blackmail to entail on the blackmail side
21 rather than on the money side? That is, on the information
22 side that Hunt would divulge, if he were not paid?

23 A Well, the implication is that Hunt would tell all,
24 but whether that all would be correct or incorrect, there was
25 never any basis to ascertain or confirm.

3630

Mr. DASH. On April 18, did the President call you concerning the immunity question?

Mr. PETERSEN. Yes.

Mr. DASH. Can you tell us briefly about that call?

Mr. PETERSEN. The President called me—I recall it was in middle or late afternoon—and said that as a result of his conversation with the President he felt that—Dean had said he had been immunized, said the President, and I said, “Mr. President, that is not so. We are in the process of determining whether or not he should be immunized but we have made no decision and so far as normal immunity is concerned, only I can grant it. The prosecutors don’t have the authority. I am certain that is not so but I will check.”

I called Earl Silbert and said—and he said, of course, just what I said and I said, “That is fine, but go on back to his counsel” and his counsel agreed, “No, we are just in a preliminary negotiation, and no immunity has been offered or accepted.”

When I called the President back I told him that. He said, “Well, you know, I have it on tape if you want to hear it,” and I said “No, I don’t want to hear it because I don’t want to get anything except what we are getting from John Dean directly.”

Mr. DASH. He said he had it on tape. Did he indicate it as a tape of Mr. Dean?

Mr. PETERSEN. No; he did not, and I didn’t ask him.

Mr. DASH. Is that where the matter stood?

Mr. PETERSEN. That is where the matter stood; yes, sir.

Mr. DASH. On April 16, did you receive a memorandum from Mr. Silbert concerning the Ellsberg psychiatrist’s break-in?

Mr. PETERSEN. Yes, sir; I did.

Mr. DASH. Was that the first time that you learned of that break-in?

Mr. PETERSEN. To be precise I ought to correct that. The memorandum was dated April 16. I think I received it on the 17th, Mr. Dash.

Mr. DASH. Right. Was that the first time you learned of the break-in?

Mr. PETERSEN. I think Earl told me on the telephone—this is what told us—“I am sending you a memorandum.”

Mr. DASH. And what did you do when you received that memorandum?

Mr. PETERSEN. I sent it to Deputy Assistant Attorney General Kevin Marony. I said, “Kevin, check this out. Let me know what this is about.” Mr. Marony came back with a note from him and a memorandum from one of his staff in which they said we have no such information, nor does the FBI. Then we asked him to check whether or not there was a psychiatrist involved, and what have you. They did and they turned up from the FBI records that an individual by the name of Fielding had been interviewed.

Well, that clicked. That led us to the photographs and then we made the connection. I advised the President of that and kind of in response to his, well, what’s new, and I told him that we had received this information.

Mr. DASH. Did he indicate that he knew anything about that break-in when you told him about it?

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Mr. PETERSEN. No; he did not, Mr. Dash. I have to be very careful there. I would like to rephrase the question for you, if I can. I suppose it—

Mr. DASH. Please do.

Mr. PETERSEN. The question probably would be did he indicate he knew anything about it rather than anything about the break-in. And the President said when I told him, "I know about that. That is a national security matter. You stay out of that. Your mandate is to investigate Watergate."

Now, he didn't say he knew about the burglary. He said he knew about it—about the report. I think that is a vital distinction to be recognized.

Mr. DASH. When were you reporting this to the President?

Mr. PETERSEN. It was on April 18, sir. And he said stay out of it and after I got off the telephone, why I called up Mr. Silbert and I called up Mr. Marony and said, "Mr. Silbert," I said, "The President said stay out of it, Earl, and that is it." I called up Mr. Marony and said, "Just forget it."

Then I proceeded to ponder the situation. I discussed it with some of my staff, so in terms of the actual, and the question involved of whether or not it was producible under *Brady v. The United States*, which holds that exculpatory materials should be made available to the defense. Well, there are two views of Brady, one, that anything that may lead to an acquittal should be produced and another only that which goes to guilt or innocence is producible, and obviously, the prosecution usually takes the more narrow point of view and under that narrow a point of view it was not produced—and we stood on that for a day or so and then I rationalized that that might be true but this was really not the case to test that and I thought if we tested this in this sort of case we would probably lose it and it was such a celebrated case and it would certainly have political overtones that that type of thing ought to be disclosed, but I really didn't quite know what to do.

Mr. Kleindienst had recused himself of Watergate and finally on the 25th I went on up to Mr. Kleindienst's office and said, "Look, you are out of the Watergate but you are not out of Ellsberg. I need some help." And we spent most of the day talking about this and he solicited some independent opinions and concluded that I was right, that indeed it should be disclosed, and so I said, "Well, you know, the President has given me a"—

Mr. DASH. You communicated that to the President?

Mr. PETERSEN. I told Mr. Kleindienst that the President instructed me to forget about it but nonetheless I thought we ought to go to the President and if he was unhappy about it we would simply have to take the consequences and Mr. Kleindienst agreed with that. He went to the President. The President agreed. May I say, Mr. Dash, that I have been distressed by some of the criticism in the press, maybe even other places about the President on that score and I think it is wholly unwarranted. He made—he took a position with me and I think I can count myself as not the most senior but at least a senior official in the administration. We disagreed with it. We went back to him and he finally agreed with us and I think the ultimate thing is that he came out with the right answer and I think he had every right to expect us

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cussed it and I recommended against it and the President recommended against it, so I was considerably surprised and frankly, disappointed.

Senator WEICKER. Now, you indicated that on April 26—this was the evening in Mr. Kleindienst's office, the evening that Pat Gray returns to talk with you and the Attorney General in his office—that prior to that meeting you had talked to the President.

Mr. PETERSEN. Yes, sir.

Senator WEICKER. And we had evidence from Mr. Kleindienst in the morning that he talked to the President during the course of that meeting. And yet, when the meeting is over, Mr. Gray is still in position. Why wasn't any action—can you give me at least from your conversation with the President, and/or your recollection, why wasn't Mr. Gray notified right then and there this is it?

Mr. PETERSEN. Well, I happened to be in Mr. Kleindienst's office when the call came through.

Senator WEICKER. Right.

Mr. PETERSEN. The President spoke to Mr. Kleindienst. Obviously, I could hear only Mr. Kleindienst's half of the conversation. Immediately after he got off the telephone he said we have to talk about Pat Gray, and what have you, and then the telephone rang again and this time it was for me and I walked out to the back office and took it. It was the President and he asked what I thought and I told him that I thought Pat's position was untenable, that I thought he was an innocent victim and I regretted it, and what have you, and he said, well, talk to Kleindienst about it and the two of you get together with Pat Gray.

We called Pat's office and he was just about to leave. We ran him down, brought him back there. We sat down and discussed the situation and not tearfully but almost so, and at the conclusion Mr. Kleindienst went out—I do not know whether he had another call from the President or went out to make one, but that was it.

We left with no decision. I was under the strong impression that Mr. Gray would resign. I thought he had to think it over and I expected he would think it over. So when he called me the next morning and told me that after a night of thought he decided that he had no other alternative, I was not surprised.

That is all I can tell you about it, Senator.

Senator WEICKER. Did you mention in testimony before the committee here this afternoon—it just slipped by and I am not so sure that I understood the context, and I might not have understood the substance either, which said that the President offered tapes to you?

Mr. PETERSEN. The President called on April 18 about the John Dean conversations on the night of April 15. His question was, has John Dean been immunized, and I said no. And he said, well, he says he has. And I said that is not true.

We got into an argument which was ridiculous because neither one of us was present when the agreement was entered into, and I said, wait, I will check with the prosecutors. He said, well, I have it on tape. I said I will take your word for it. I do not want to hear it. And so let me check with the prosecutor.

So I called up the prosecutor, and Silbert said no. I said, well, go back and check with his lawyer.

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That was the tape that was referred to. I told Mr. Cox about that day at the White House. I am told that the President said that that was a statement of—tape of his recollections of the meeting. Now, whether it was a taped conversation or not, I do not know, of the meeting as opposed to a tape that the President made of his own recollections. One is true, but I do not know which.

Senator WEICKER. I am sorry. I just lost you on that last part.

Mr. PETERSEN. One of two possibilities exist. Either that was a tape being utilized at the time the President met with John Dean—

Senator WEICKER. I see.

Mr. PETERSEN [continuing]. Or after the meeting the President sat down in front of a tape recorder and recorded his own recollection. I don't know which he was referring to.

Senator WEICKER. I see. I see.

But in any event, he offered—was it on April 18—

Mr. PETERSEN. Yes, sir.

Senator WEICKER [continuing]. A tape to you of this conversation with John Dean?

Mr. PETERSEN. That is right.

Senator WEICKER. Of his conversation with John Dean?

Mr. PETERSEN. That is right, which I refused to listen to.

Senator WEICKER. Which you refused to listen to, right?

Just two more questions. On September 13, 1972, dropping back just a little bit—

Mr. PETERSEN. The date, Senator?

Senator WEICKER. September 13, which date—let me give you what occurred there which might refresh your memory far better than a date.

Did you receive a summary memorandum from Mr. Silbert which indicated that there might have been others higher than Liddy and Hunt involved in the Watergate matter?

Mr. PETERSEN. September 13, 1972?

Senator WEICKER. Back in September 1972.

Mr. PETERSEN. I don't recall such a memorandum. About the only thing I could think of would be a prosecutor's memorandum which probably came in about that time just before the indictment, but I think that that is unlikely that there is such a memorandum. If you recall—

Senator WEICKER. Did you get summaries from Mr. Silbert?

Mr. PETERSEN. No. I got oral reports from Mr. Silbert of the investigation as it progressed, usually on a daily basis. There was a written recommendation with respect to prosecution and the basis of prosecution of the seven on or about the second week in September just before the indictment.

Senator WEICKER. And was there any indication in that memorandum that more might be involved?

Mr. PETERSEN. I don't recall, Senator; no, sir.

Senator WEICKER. Then lastly, this last question I have got, you indicated with some anger, and I must say I can't blame you—

Mr. PETERSEN. I apologize for my intemperance.

Senator WEICKER. You are a professional man. I don't blame you for sticking up for your branch. Maybe there was some sort of lack of confidence on the part of the Senate in you, members of the Justice

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Department, professional staff over there. Has it occurred to you that maybe the lack of confidence did not exist in you, that—

Mr. PETERSEN. Yes. Yes. I like to think that. It occurs to me every day. [Laughter.] But I think it is a self-serving thought, Senator.

Senator WEICKER. The quest for the truth, at least in a legal sense—this is something that is looked upon, at least so far as the American people are concerned—they look to the executive branch of Government. Don't you think that is true? I mean, rather than to blame it on yourself or feel that is a relationship between you and us in this matter?

Mr. PETERSEN. Senator, that is what I was—the thought I was trying to get across when I said I would take one position as a prosecutor and perhaps another as a Senator of the U.S. Senate. I understand the larger implications. I don't really like it.

Senator WEICKER. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Montoya.

Senator MONTOKA. Mr. Petersen, don't you find it very peculiar that the President offered to play this particular tape with respect to Dean, and he refuses any tapes to the prosecutor downtown and to this committee?

Mr. PETERSEN. No, not especially.

Senator MONTOKA. Why?

Mr. PETERSEN. I think that—well, let's take an attorney workpaper. We argue that they are privileged. New counsel comes in to assist old counsel. Old counsel shows him his workpapers. That is quite a different thing than turning it over to the other side, to the defendant's lawyer.

If the President obviously thinks of this as the other side at least in terms of the executive versus the judiciary or executive versus the legislative branch, I don't think that is necessarily inconsistent, Senator. I think that the President was willing to let me hear it because it was apropos to our discussions, but at that point, at that point he considered me bound by executive privilege and he had told me so. He subsequently released me, but at that point he certainly did.

Senator MONTOKA. Well, couldn't he do this with Mr. Cox?

Mr. PETERSEN. I don't know.

You know, I hesitate to comment on what he could do with Mr. Cox. The question is in litigation. I understand it has been argued today and it is one of the grand issues of law. You know, it has only been litigated once. It is a very interesting issue and I don't think I ought to comment on it, Senator. I would be delighted to discuss it with you in private.

Senator MONTOKA. Wouldn't you think that if the President called Mr. Cox and played the tapes to him on an executive privilege basis that Mr. Cox would honor that commitment?

Mr. PETERSEN. Well, I wouldn't if I were Mr. Cox.

Senator MONTOKA. You would what?

Mr. PETERSEN. I would not if I were Mr. Cox. I would want those things without qualifications. It doesn't do him any good to get information that he can't use.

Senator MONTOKA. Have you in the Department of Justice discussed the significance of keeping the tapes in the sanctuary of executive privilege, the legal significance?

The time has come to turn Watergate over to the courts, where the questions of guilt or innocence belong. The time has come for the rest of us to get on with the urgent business of our Nation.

Last November, the American people were given the clearest choice of this century. Your votes were a mandate, which I accepted, to complete the initiatives we began in my first term and to fulfill the promises I made for my second term.

This Administration was elected to control inflation—to reduce the power and size of Government—to cut the cost of Government so that you can cut the cost of living—to preserve and defend those fundamental values that have made America great—to keep the Nation's military strength second to none—to achieve peace with honor in Southeast Asia, and to bring home our prisoners of war—to build a new prosperity, without inflation and without war—to create a structure of peace in the world that would endure long after we are gone.

These are great goals, they are worthy of a great people, and I would not be true to your trust if I let myself be turned aside from achieving those goals.

If you share my belief in these goals—if you want the mandate you gave this Administration to be carried out—then I ask for your help to ensure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed.

I ask tonight for your understanding, so that as a Nation we can learn the lessons of Watergate and gain from that experience.

I ask for your help in reaffirming our dedication to the principles of decency, honor, and respect for the institutions that have sustained our progress through these past two centuries.

And I ask for your support in getting on once again with meeting your problems, improving your life, building your future.

With your help, with God's help, we will achieve those great goals for America.

Thank you and good evening.

NOTE: The President spoke at 9 p.m. in his Oval Office at the White House. His address was broadcast live on radio and television.

The Watergate Investigation

Statement by the President. August 15, 1973

On May 17 the Senate Select Committee began its hearings on Watergate. Five days later, on May 22, I issued a detailed statement discussing my relationship to the matter. I stated categorically that I had no prior knowledge of the Watergate operation and that I neither knew of nor took part in any subsequent efforts to cover it up. I also stated that I would not invoke executive privilege as to testimony by present and former members of my White House Staff with respect to possible criminal acts then under investigation.

Thirty-five witnesses have testified so far. The record is more than 7,500 pages and some 2 million words long. The allegations are many, the facts are complicated, and

the evidence is not only extensive but very much in conflict. It would be neither fair nor appropriate for me to assess the evidence or comment on specific witnesses or their credibility. That is the function of the Senate Committee and the courts. What I intend to do here is to cover the principal issues relating to my own conduct which have been raised since my statement of May 22, and thereby to place the testimony on those issues in perspective.

I said on May 22 that I had no prior knowledge of the Watergate operation. In all the testimony, there is not the slightest evidence to the contrary. Not a single witness has testified that I had any knowledge of the planning for the Watergate break-in.

It is also true, as I said on May 22, that I took no part in, and was not aware of, any subsequent efforts to

write a complete report on all that he knew of the entire Watergate matter. On March 28, I had Mr. Ehrlichman call the Attorney General to find out if he had additional information about Watergate generally or White House involvement. The Attorney General was told that I wanted to hear directly from him, and not through any staff people, if he had any information on White House involvement or if information of that kind should come to him. The Attorney General indicated to Mr. Ehrlichman that he had no such information. When I learned on March 30 that Mr. Dean had been unable to complete his report, I instructed Mr. Ehrlichman to conduct an independent inquiry and bring all the facts to me. On April 14, Mr. Ehrlichman gave me his findings, and I directed that he report them to the Attorney General immediately. On April 15, Attorney General Kleindienst and Assistant Attorney General Petersen told me of new information that had been received by the prosecutors.

By that time the fragmentary information I had been given on March 21 had been supplemented in important ways, particularly by Mr. Ehrlichman's report to me on April 14, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15, and by independent inquiries I had been making on my own. At that point, I realized that I would not be able personally to find out all of the facts and make them public, and I concluded that the matter was best handled by the Justice Department and the grand jury. On April 17, I announced that new inquiries were underway, as a result of what I had learned on March 21 and in my own investigation since that time. I instructed all Government employees to cooperate with the judicial process as it moved ahead on this matter and expressed my personal view that no immunity should be given to any individual who had held a position of major importance in this Administration.

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up.

On May 22 I said that at no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer. I reaffirm that statement. Indeed, I made my view clear to Mr. Ehrlichman in July 1972, that under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout.

On May 22 I said that "it was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne." After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17 that I first learned of the break-in at the office of Dr. Fielding, and that was 4 days before the beginning of my own investigation on March 21. I was

told then that nothing by way of evidence had been obtained in the break-in. On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen to stick to the Watergate investigation and stay out of national security matters. On April 25 Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred and authorized him to report the break-in to Judge Byrne.

In view of the incident of Dr. Fielding's office, let me emphasize two things.

First, it was and is important that many of the matters worked on by the Special Investigations Unit not be publicly disclosed because disclosure would unquestionably damage the national security. This is why I have exercised executive privilege on some of these matters in connection with the testimony of Mr. Ehrlichman and others. The Senate Committee has learned through its investigation the general facts of some of these security matters and has to date wisely declined to make them public or to contest in these respects my claim of executive privilege.

Second, I at no time authorized the use of illegal means by the Special Investigations Unit, and I was not aware of the break-in of Dr. Fielding's office until March 17, 1973.

Many persons will ask why, when the facts are as I have stated them, I do not make public the tape recordings of my meetings and conversations with members of the White House Staff during this period.

I am aware that such terms as "separation of powers" and "executive privilege" are lawyers' terms, and that those doctrines have been called "abstruse" and "esoteric." Let me state the commonsense of the matter. Every day a President of the United States is required to make difficult decisions on grave issues. It is absolutely essential, if the President is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals and that they be able to talk in the same fashion with him. Indeed, on occasion, they must be able to "blow off steam" about important public figures. This kind of frank discussion is only possible when those who take part in it can feel assured that what they say is in the strictest confidence.

The Presidency is not the only office that requires confidentiality if it is to function effectively. A Member of Congress must be able to talk in confidence with his assistants. Judges must be able to confer in confidence with their law clerks and with each other. Throughout our entire history the need for this kind of confidentiality

ACTION

*Announcement of Intention To Nominate
Harry J. Hogan To Be Associate Director for
Policy and Program Development.
August 21, 1973*

The President today announced his intention to nominate Harry J. Hogan, of Bethesda, Md., to be Associate Director of ACTION for Policy and Program Development. He will succeed Charles W. Ervin, who resigned effective September 4, 1973.

Since 1972, Mr. Hogan has been director of government relations for Catholic University, in Washington, D.C. From 1971 to 1972, he was engaged in the private practice of law, served as a consultant on educational and environmental matters, and was professor of law at Delaware Law School, in Wilmington, Del. From 1969 to 1971, he was counsel of the House Special Subcommittee on Education.

He was born on May 2, 1914, in Newark, N.J. Mr. Hogan was graduated magna cum laude from Princeton University, received his LL.B. from Columbia Law School, and received his Ph. D. in American History from George Washington University. He served in the U.S. Navy during World War II, attaining the rank of commander.

From 1947 to 1952, Mr. Hogan was on the legal staff of the Tennessee Valley Authority, the Bureau of Land Management, and the Bureau of Indian Affairs. From 1952 to 1961, he was engaged in the private practice of law in The Dalles, Oreg., where he was twice elected District Attorney (1956 and 1960). From 1961 to 1968, Mr. Hogan served as general counsel of the Bonneville Power Administration, in Portland, Oreg.; as Associate Solicitor for Water and Power of the Department of the Interior, and as Legislative Counsel of the Department of the Interior.

Mr. Hogan is married and has three daughters. The Hogans reside in Bethesda, Md.

NOTE: The announcement was released in San Clemente, Calif.

THE PRESIDENT'S NEWS CONFERENCE OF AUGUST 22, 1973

Held at the Western White House

SECRETARY OF STATE

THE PRESIDENT. Ladies and gentlemen, I have an announcement before going to your questions.

It is with the deep sense of not only official regret, but personal regret, that I announce the resignation of Secretary of State William Rogers, effective September 3. A letter, which will be released to the press after this conference, will indicate my appraisal of his work as Secretary of State.¹

I will simply say at this time that he wanted to leave at the conclusion of the first 4 years. He agreed to stay on because we had some enormously important problems coming up, including the negotiations which resulted in the end of the war in Vietnam, the Soviet summit, the European Security Conference, as well as in other areas—Latin America and in Asia—where the Secretary of State, as you know, has been quite busy over these past 8 months.

As he returns to private life, we will not only miss him, in terms of his official service, but I shall particularly miss him because of his having been, through the years, a very close personal friend and adviser.

That personal friendship and advice, however, I hope still to have the benefit of, and I know that I will.

¹ For an exchange of letters between the President and Secretary of State Rogers, see page 1025 of this issue.

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PRESIDENTIAL DOCUMENTS: RICHARD NIXON, 1973

ell, in a telephone call that I had with him immediately after it occurred, expressed great chagrin that he had not run a tight enough shop, and that some of the boys, as he called them, got involved in this kind of activity, which he knew to be very, very embarrassing, apart from its illegality, to the campaign. Throughout I would have expected Mr. Mitchell to tell me in the event that he was involved or that anybody else was. He did not tell me. I don't blame him for not telling me. He has given his reasons for not telling me. I regret that he did not, because he is exactly right. Had he told me, I would have blown my stack, just as I did at Ziegler the other day. [Laughter]

Q. Mr. President, I wonder, sir, how much personal blame, to what degree of personal blame do you accept for the climate in the White House, and at the reelection committee, for the abuses of Watergate?

THE PRESIDENT. I accept it all.

Q. Mr. President, I want to state this question with due respect to your office, but also as directly as possible.

THE PRESIDENT. That would be unusual. [Laughter]

Q. I would like to think not. It concerns—

THE PRESIDENT. You are always respectful, Mr. Rather. You know that.

Q. Thank you, Mr. President. It concerns the events surrounding Mr. Ehrlichman's contact, and on one occasion your own contact with the judge in the Pentagon Papers case, Judge Byrne.

THE PRESIDENT. Yes.

Q. As I understand your own explanation of events and putting together your statement with Mr. Ehrlichman's testimony, and what Judge Byrne has said, what happened here is that sometime late in March, March 17, I believe you said, you first found out about the break-in at the psychiatrist's office of Mr. Ellsberg, that you asked to have that looked into, and that you later, I think in late April, instructed Attorney General Kleindienst to inform the judge.

Now, my question is this. If while the Pentagon Papers trial was going on, Mr. Ehrlichman secretly met once with the judge in that case, you secretly met another time the judge with Mr. Ehrlichman. Now, you are a lawyer, and given the state of the situation and what you knew, could you give us some reason why the American people should not believe that that was at least a subtle attempt to bribe the judge in that case, and it gave at least the appearance of a lack of moral leadership?

THE PRESIDENT. Well, I would say the only part of your statement that is perhaps accurate is that I am a lawyer. Now, beyond that, Mr. Rather, let me say that with regard to the secret meeting that we had with the judge, as he said, I met with the judge briefly—after all, I had appointed him to the position—I met him for perhaps one minute outside my door here in full view of the whole White House Staff, and everybody else who wanted to see. I asked him how he liked his job, we did not discuss the case, and he went on for his meeting with Mr. Ehrlichman.

Now, why did the meeting with Mr. Ehrlichman take place? Because we had determined that Mr. Gray could not be confirmed, as you will recall. We were on a search for a Director of the FBI. Mr. Kleindienst had been here, and I asked him what he would recommend with regard to a Director, and I laid down certain qualifications.

I said I wanted a man preferably with FBI experience, and preferably with prosecutor's experience, and preferably, if possible, a Democrat so that we would have no problem on confirmation. He said, "The man for the job is Byrne." He said, "He is the best man." I said, "Would you recommend him?" He said, "Yes."

Under those circumstances then, Mr. Ehrlichman called Mr. Byrne. He said: Under no circumstances will we talk to you—he, Ehrlichman, will talk to you—if he felt that it would in any way compromise his handling of the Ellsberg case.

Judge Byrne made the decision that he would talk to Mr. Ehrlichman, and he did talk to him privately, here. And on that occasion, he talked to him privately, the case was not discussed at all—only the question of whether or not, at the conclusion of this case, Mr. Byrne would like to be considered as Director of the FBI.

I understand, incidentally, that he told Mr. Ehrlichman that he would be interested. Of course, the way the things broke eventually, we found another name with somewhat the same qualifications, although, in this case, not a judge. In this case, a chief of police with former FBI experience.

Now, with regard to the Ellsberg break-in, let me explain that in terms of that, I discussed that on the telephone with Mr. Henry Petersen on the 18th of April. It was on the 18th of April that I learned that the grand jury was going away from some of its Watergate investigation and moving into national security areas.

I told Mr. Petersen at that time about my concern about the security areas, and particularly about the break-in as far as the Ellsberg case is concerned.

And then he asked me a very critical question, which you, as a nonlawyer will now understand, and lawyers probably will, too. He said, "Was any evidence developed out of this investigation, out of this break-in?" And I said, "No, it was a dry hole." He said, "Good."

Now, what he meant by that was that in view of the fact that no evidence was developed as a result of the break-in—which is, incidentally, illegal, unauthorized, as far as I was concerned, and completely deplorable—but since no evidence was developed, there was no requirement that it be presented to the jury that was hearing the case. That was why Mr. Petersen, a man of impeccable credentials in the law enforcement field, did not, at that time on the 18th, at a time that I told him what I had known about the Ellsberg break-in, say, "Let's present it then to the grand jury," because nothing had been accomplished, nothing had been obtained that would taint the case.

It was approximately 10 days later that Mr. Kleindienst came in and said that, after a review of the situation in the prosecutor's office in Washington, in which Mr. Petersen

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result of this information coming to his staff and had directed Henry Petersen to take charge and leave no stone unturned; secondly, that he had accepted requests from Haldeman, Ehrlichman and Dean to be placed on leave of absence. The President said virtually nothing about the statement and after reading it told me to talk with Len Garment, who he said was also preparing a draft statement.

After departing from the President's office, I called Mr. Garment and told him that the President had requested I give him my input on the draft he was developing. Mr. Garment said he would come by my office, which he did. I gave him a copy of the draft statement, and he told me that he and I were thinking along similar lines, that is, that Haldeman, Ehrlichman, and Dean had to resign. I told him I was ready and willing but only if Haldeman and Ehrlichman resigned as well.

CALL FROM THE PRESIDENT—APRIL 17

The next time I heard anything about the draft statement was on April 17, when the President called and informed me that he had decided not to request any resignations until after the grand jury took action and that he would issue a statement very shortly. That statement of April 17 is a matter of public record. I would only like to point out one or two items about the statement. The President said that on March 21, as a result of serious charges which came to his attention, some of which were publicly reported, he began an intense new inquiry into this whole matter. I would merely refer the committee's attention back to my earlier testimony as to what the President did after my report to him on March 21 as to the White House's deep involvement in the coverup. In short, the President commenced no investigation at all. Rather, the President, Haldeman, and Ehrlichman commenced to protect themselves against the unraveling of the coverup.

Secondly, I would also like to raise the paragraph that had been put in the statement that no one in a position of major importance in the administration should be given immunity from prosecution. While this statement went virtually unnoticed in the public, it was very evident to me what the President was saying: Dean will not be a witness against anyone so the Government might as well stop dealing with him.

THE DEAN SCAPEGOAT STATEMENT AND REQUESTED RESIGNATION

On Monday night, April 16, I had learned that the President had informed the Government that he allegedly had taped a conversation in which I had told him I was seeking immunity from the Government in exchange for testimony on Haldeman and Ehrlichman. I have no recollection of ever telling the President that I was so negotiating with the Government and the President told me very specifically that he did not want to do anything to interfere with any negotiations I was having with the Government.

When I learned this from my attorney I suggested that he request that the Government call for the tape and listen to the tape because I told him it must be a reference to the meeting I had with the President on April 15 and if that conversation were taped the Government would have a pretty good idea of the dimensions of the case they were dealing with. I was referring to the fact that the President had mentioned

the million dollar conversation and the fact that he had talked to Colson about clemency for Hunt. I do not in fact know if such a tape exists but if it does exist and has not been tampered with and is a complete transcript of the entire conversation that took place in the President's office, I think that this committee should have that tape because I believe that it would corroborate many of the things that this committee has asked me to testify about.

When the President issued his statement on April 17 in which he was quite obviously trying to affect any discussions I was having with the Government regarding my testimony by inserting the phrase therein regarding "no immunity" and combined with the fact that he had requested that I sign a virtual confession on Monday of that week, I decided that indeed I was being set up and that it was time that I let the word out that I would not be a scapegoat. Accordingly, on April 19, I issued a statement to that effect.

After my statement of April 19, I had virtually no contact with the members of the White House staff. I did have occasion to speak with Mr. Garment however. I recall asking him who had placed the "no immunity" paragraph in the President's statement. Garment said while he did not know for certain, he believed that Ehrlichman had placed it in the draft because it had not been there in the earlier drafts, but was in the draft that emerged from Ehrlichman's consideration when Ehrlichman went over the final statement with the President.

On April 22, Easter Sunday, the President called me to wish me a Happy Easter. It was what they refer to at the White House as a "stroking" call.

On April 30, while out of the city, I had a call from my secretary in which she informed me that the wire services were carrying a story that my resignation had been requested and accepted and that Halde- man and Ehrlichman were also resigning.

Mr. Chairman, this concludes my rather lengthy statement. I apologize again for its length, but I have sought to comply with the committee's request to provide the committee with a broad overview of my knowledge of this matter.

Senator ERVIN. Without objection on the part of any member of the committee, the chairman at this time will admit into evidence all of the exhibits identified by the witness in the course of his testimony except exhibits Nos. 34-5, 34-6, 34-7, and 34-8 whose admissibility will be considered later by the committee.

The committee will stand in recess until 10 o'clock tomorrow morning.

[Whereupon, at 6:05 p.m., the committee recessed to reconvene at 10 a.m., Tuesday, June 26, 1973.]

78. On April 19, 1973 John Dean issued a public statement declaring in part that he would not become a scapegoat in the Watergate case. He added that anyone who believed that did not know the true facts nor understand our system of justice. Following Dean's statement, Stephen Bull of the President's White House staff checked with the Secret Service agent in charge of the White House taping system to determine if Dean knew about the existence of the taping system. The agent replied that as far as the Secret Service knew Dean had no such knowledge.

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78.2 <u>New York Times</u> , April 20, 1973, 1, 11.....	1495
78.3 Stephen Bull testimony, <u>In re Grand Jury</u> , Misc. 47-73, January 18, 1974, 2544-46.....	1496
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1020

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DEAN IS REBUKED

Ziegler Disputes His Statement on Trying to Find Scapegoat

By R. W. APPLE, Jr.

Special to The New York Times

WASHINGTON, April 19 —

The White House abandoned today all show of support for the embattled Presidential counsel, John W. Dean 3d, who has been accused of complicity in the Watergate case.

Mr. Dean, a 34-year-old lawyer who conducted the investigation on which President Nixon based his original denials of White House involvement in the break-in, issued a statement this morning declaring that no one would succeed in making him "a scapegoat."

Mr. Dean, heretofore considered one of the staunchest "team players" in the Administration, bypassed the White House chain of command in issuing the statement, notifying neither Mr. Nixon nor the press office in advance. Instead, his secretary, her voice trembling, phoned it to newspaper offices.

Ziegler Rebukes Dean

Ronald L. Ziegler, the White House press secretary, appeared for the regular morning news briefing about an hour later and reiterated his statement of yesterday that he would answer no questions whatever about the Watergate episode.

Then, in response to the first question, he rebuked Mr. Dean, declaring that Mr. Nixon's statement on Tuesday "made it quite clear that the process now under way is not one to find scapegoats but one to get at the truth."

In a major reversal of his previous position, Mr. Nixon said on Tuesday that he would permit his aides to testify before a Senate committee investigating the bugging of Democratic National Committee headquarters last June and that he had ordered that no major Administration official be given immunity from prosecution.

No New Backing Given

Mr. Dean's stock began to drop immediately after the President's statement, when Mr. Ziegler refused to repeat earlier expressions of Mr. Nixon's support for the counsel. Furthermore, the President had made it clear that Mr. Dean was involved in neither the latest investigation of the case nor in negotiations with the Senate committee over new ground rules.

In response to a barrage of further questions today, Mr. Ziegler expressed no enthusiasm for him at all.

Had Mr. Dean been fired? No. Had he resigned? No. Was he in his office today? Yes. When had the President last talked to Mr. Dean on the phone? I don't know.

At one point, Mr. Ziegler was asked just what Mr. Dean was doing these days.

"He's in his office," he replied. "I don't know what he's doing. Attending to business, I assume" — here he chuckled audibly — "business of some sort."

Finally, he was asked whether Mr. Dean was still a functioning member of the staff, whether he was still trusted, whether he was still given responsible tasks. Mr. Ziegler replied that he could say only that Mr. Dean had not resigned or been dismissed.

'Isolated, Cut Off'

Another White House staff member said, "John has been isolated, cut off."

The mood at the White House, insofar as it could be established from the few junior aides willing to talk, was one of apprehension. One aide said,

he was trying to work, "but most people seem to be running around in a state of panic."

Mr. Ziegler was good-natured during the briefing, and even said he loved his job. But he

seemed to betray nervousness when he "misspoke" himself, to use his phrase, three times in a single sentence when discussing Mr. Nixon's conference with a group of Jewish leaders.

Asked why Mr. Dean had been treated as he had, one Administration official, not in the White House, suggested that the Nixon inner circle felt betrayed by what he called Mr. Dean's "inadequate" initial investigation, conducted last summer.

Mr. Ziegler confirmed today that Mr. Dean had never submitted a written report. He said that he did not know whether the oral report was delivered directly to Mr. Nixon or through an intermediary.

Named by Magruder

Mr. Dean was named by Jeb Stuart Magruder in the conversations with Federal prosecutors on Saturday as one of the participants in a meeting in February, 1972, in which the Watergate bugging and a political espionage campaign were planned.

Early this week, Mr. Dean hired a new lawyer, Robert C. McCandless, an Oklahoma Dem-

ocrat who ran Senator Hubert H. Humphrey's field organization in the 1958 Presidential campaign. Mr. Dean and Mr. McCandless married, and subsequently divorced, daughters of the late Senator Thomas C. Hennings of Missouri, but remained close.

Mr. Dean has told friends in the last two days that he is ready to implicate other White House aides in testimony to the grand jury, and his reference in his statement to his determination to avoid being a scapegoat bore this out.

One friend acknowledged today that Mr. Dean's status was awkward, but commented, "He's still counsel to the President. They haven't taken away his desk or anything."

Mr. Dean's statement in full was as follows:

"To date I have refrained from making any public comment whatsoever about the Watergate case. I shall continue that policy in the future because I believe that the case will be fully and justly handled

by the grand jury and by the Ervin select committee.

"It is my hope, however, that those truly interested in seeing that the Watergate case is completely aired and that justice will be done will be careful in drawing any conclusions as to the guilt or involvement of any persons until all the facts are known and until each person has had an opportunity to testify under oath in his own behalf.

"Finally, some may hope or think that I will become a scapegoat in the Watergate case. Anyone who believes this does not know me, know the true facts, nor understand our system of justice."

Mr. Ziegler could shed no light on who the "some" to whom Mr. Dean referred might be. Mr. Dean was unavailable.

about which you testified with any person?

A. No, sir.

Q. Pardon me?

A. No, sir.

Q. You just went back and you had no discussion about the fact of your testifying or about any of the substance about which you testified?

A. Well, I had discussion that I was here testifying two days ago, but in accordance with instructions from counsel, I did not discuss any elements of my testimony.

MR. ST. CLAIR: If Your Honor please, I think I should disclose for the Court that I said to him yesterday that I thought he did a good job. If that is discussing it --

THE COURT: All right. Thank you for bringing that to our attention.

Let us proceed.

BY MR. BEN-VENISTE:

Q. Mr. Bull, did there come a time when you had a conversation with Agent Sims immediately after John Dean announced in a report carried widely in the press that he would not be made a scapegoat in the Watergate matter, in which you asked Mr. Sims whether Mr. Dean to Mr. Sims' knowledge knew about the White House taping system?

A. I have a vague recollection of such an inquiry, although I cannot fix a date as to when it might have taken

place.

Q You remember having such a conversation?

A The news account that appeared yesterday did trigger a vague recollection.

Q The news account of Mr. Sims' testimony?

A Yes, sir.

Q And do you recall initiating that request for information of Mr. Sims on your own or did someone ask you to make such an inquiry?

A I really don't have any direct recollection as to why I asked that.

Q You don't know why you asked that question of Mr. Sims immediately after Mr. Dean made his "I will not be a scapegoat" statement?

A I don't have a direct recollection of precisely --

Q What does direct recollection mean, Mr. Bull?
Do you remember anything about it or not?

A A direct recollection in my interpretation would be do I remember precisely why I asked the question, where I asked the question and what precisely I asked.

Q I didn't ask you to be that precise.

THE COURT: Wait a minute, counsel. Keep your voice down.

BY MR. BEN-VENISTE:

Q Do you have any recollection of the circumstances

under which you asked that question, Mr. Bull, whether it be precise, whether it be vague or hazy?

A My vague recollection is that I asked the question out of pure curiosity.

Q Then you don't have a vague recollection or any other kind of a recollection of discussing whether you sought to make such an inquiry of Mr. Sims with anyone?

A That is correct.

Q And why did you have this sudden curiosity?

MR. ST. CLAIR: If Your Honor please, I object.

THE COURT: I will overrule the objection.

THE WITNESS: The question was, and why would I ask that question?

BY MR. BEN-VENISTE:

Q Why did you have that curiosity at that time?

A I am basically a curious person.

Q Did you ask anyone else the same question?

A Since I don't have a direct recollection of the precise question there, I don't recall asking anyone else.

MR. BEN-VENISTE: Your Honor, may the witness be instructed to answer the question without his own modifying "precise" and "direct" prerequisites? We are asking for his recollection in broad terms here.

THE COURT: Well, give us your best recollection.

If you want to explain anything, I will let you explain.

A Never. I never went back a second time.

Q But you were quite aware that Mr. Bull had the tape checked out during this period?

A Yes, sir.

Q Is it not a fact, Agent Sims, that you have had a conversation with Mr. Bull immediately following John Dean's public announcement in which he said he would not be made a scapegoat, in which Mr. Bull inquired of you as to whether Mr. Dean knew of the taping system?

A Yes sir -- I can see you read these documents quite thoroughly --

THE COURT: Now, wait a minute -- read that question again, please.

(Whereupon the Reporter read the question back as follows:

"Is it not a fact, Agent Sims, that you have had a conversation with Mr. Bull immediately following John Dean's public announcement in which he said he would not be made a scapegoat, in which Mr. Bull inquired of you as to whether Mr. Dean knew of the taping system?"

THE COURT: Allright.

THE WITNESS: Yes sir - may I say this before I answer questions for which you are referring to documents, I haven't looked at these documents thoroughly since they

were written, I believe, but yes - basically that is right.

Q And what did you inform Mr. Bull?

A If I recall correctly, I informed him that we had been advised in the Secret Service they would be keeping this to a limited number of people - that the taping system existed - and that he might rest assured from the Secret Service side that Mr. Dean or anyone else knew - other than Mr. Bull and Mr. Butterfield, but I couldn't speak for anyone that he might have told.

Q Now did there come a time on or about the 22nd of November 1973 - I am sorry - did there come a time on or about November 26 1973, that you had a conversation with Mr. Stephen Bull in which he asked you for the date when the Uher 5,000 recorder, exhibit 60 in evidence, here, was provided to Miss Woods?

A I can't remember the date he asked it, but I can tell you that it was some time in the month of November and that it was - that was basically the conversation.

Q Let me show you this exhibit which I will have marked --

(Whereupon Special Prosecutor's exhibit 154 was marked for identification)

-- MR. BEN VENISTE: We are not offering it, yet, Your Honor.

THE COURT: All right

79. On April 19, 1973 the President met with Richard Moore. They discussed the President's public statement of April 17 and the fact that on March 20, 1973 Dean and Moore discussed Dean's telling the President about the Watergate matter. Moore has testified that the President said that he had told Dean that to raise money for the Watergate defendants was not only wrong but stupid. Moore told the President that Dean had shown him a list of individuals who might be indicted, and that Dean had said that Ehrlichman's problem might be involved with the Ellsberg case. The President responded that the White House investigation of Ellsberg had to be done because J. Edgar Hoover could not be counted on as he was a close friend of Ellsberg's father-in-law.

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79.1 Richard Moore testimony, 5 SSC 1961-62, 1982-83.....	1502
79.2 President Nixon daily diary, April 19, 1973, Exhibit 50, <u>In re Grand Jury</u> , Misc. 47-73.....	1506

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Mr. LENZNER. Well, did he say anything else?

Mr. MOORE. I think I told you that I cannot recall whether at that time, having now learned about the break-in and having heard about it, whether Ellsberg was synonymous with the break-in or whether I would now attach that to it. I have been puzzled about it and I will acknowledge that I don't recall whether—Mr. Dean was often cryptic and I don't remember that he said anything more than Ehrlichman's trouble may be Ellsberg.

Mr. LENZNER. The trial of that case was on that time. Did you ask him what Ehrlichman's relationship to Ellsberg was? He surely was not on trial with him. What was the relationship?

Mr. MOORE. I do not know. As I say, it is possible that he mentioned it but I cannot pin that down and this would have been April 14.

Mr. LENZNER. Well, did you ask him any questions on that subject of Ehrlichman's relationship to Ellsberg?

Mr. MOORE. No, no, I was—no.

Mr. LENZNER. Did you tell anybody about that matter? Did you tell the President about it, the possibility of Mr. Ehrlichman's involvement with Ellsberg, which was rather vague in your mind?

Mr. MOORE. Yes.

Mr. LENZNER. Did you tell the President?

Mr. MOORE. Yes.

Mr. LENZNER. When did you tell the President?

Mr. MOORE. On August 19—pardon, April 19.

Mr. LENZNER. About 5 days after you learned of it, is that correct?

Mr. MOORE. I think it was that soon, yes.

Mr. LENZNER. What did you tell the President and who else was present?

Mr. MOORE. I was the only one with the President, and it was 2 days after his April 17 statement and we had a discussion about it, we had a conversation and that is what it was.

Mr. LENZNER. Well, do you recall what specifically you said about Mr. Ehrlichman's involvement with the *Ellsberg* case?

Mr. MOORE. Yes. Well, you say specifically.

Mr. LENZNER. Well, to the best of your recollection, Mr. Moore.

Mr. MOORE. I am trying to recall and I want to be careful about the circumstances. I told him that Mr. Dean had shown me this list, and I recalled the names from memory, I did not cover them all, I mentioned the names that I remembered, and I simply said that I did not understand it or I did not understand how realistic it was. In discussing the names I said Dean had told me that apparently in his opinion, Mr. Ehrlichman's problem might be involved with the *Ellsberg* case. Whether by then I knew about the Ellsberg break-in, I do not know. I do not think I said break-in. I think I said Ellsberg or the *Ellsberg* case.

Mr. LENZNER. What was the President's reaction to that? What did he say to you at that time?

Mr. MOORE. He said that, of course, investigation of Ellsberg had had to be done because Mr. Hoover could not be counted on doing it because Mr. Hoover was a close friend of Mr. Ellsberg's father—father-in-law.

Mr. LENZNER. Father-in-law, yes, sir. Go ahead, what else did he say?

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Mr. MOORE. That is all he said.

Mr. LENZNER. Well, what relationship did that have with Mr. Ehrlichman's involvement with Mr. Ellsberg? Did he tell you that Mr. Ehrlichman had an investigation conducted by this so-called Plumbers group because Mr. Hoover could not be relied upon himself?

Mr. MOORE. Well, I am not—I was not a student of the Ellsberg case and I do not remember the dates or the procedures. The question was that, the point was that, the White House had set up a security operation to investigate Mr. Ellsberg's activities in leaking top-secret documents and possibly giving them to a foreign embassy of the other great superpower, and that the President said in view of the fact that Mr. Hoover would not undertake this investigation, the White House undertook it, and he did not—I think that was about all he said.

Mr. LENZNER. Did he say that he knew that there had been a break-in of Dr. Ellsberg's psychiatrist?

Mr. MOORE. No, he did not.

Mr. LENZNER. Was it your impression that he did know?

Mr. MOORE. I have long since learned not to try to draw impressions from the President in that fashion. I did not say anything about it.

Mr. LENZNER. Now, are you aware of the fact that during Mr. Richardson's confirmation hearings on May 22, in response to a question from Senator Byrd, Mr. Richardson said the President and he had spoken on Sunday, April 25, and the President told him he had found out about the break-in on April 25. Were you aware of that testimony?

Mr. MOORE. No.

Mr. LENZNER. I have no more questions at this time, Mr. Chairman.

Senator ERVIN. The committee will stand in recess until 10 o'clock tomorrow.

[Whereupon at 4:55 p.m., the committee recessed to reconvene at 10 a.m., Friday, July 13, 1973.]

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Mr. MOORE. All right, either late the 19th as I testified or early on the 20th so it was quite fresh in my mind when we met with the President, in the early afternoon of the 20th.

Mr. THOMPSON. What did he tell you about what Hunt was doing then?

Mr. MOORE. He didn't. He just said that if he didn't get this money by Wednesday, the 21st, he started out by saying and he wants it before, he wants it deposited or put into his account or something before he gets sentenced, in fact he wants it by Wednesday, that would have been Wednesday the 21st because the sentencing was on March 23, and—

Mr. THOMPSON. Is this new Hunt situation the thing that finally caused you to tell Dean what you told him?

Mr. MOORE. It was the first penetrating, illegal, clear situation because, first of all, a demand, and the money amount that he mentioned was enormous, I don't remember the numbers, I have heard since that it was in excess of \$100,000, and that it had been communicated to Dean, he didn't tell me who communicated it to him nor did he tell me what the nature of it was.

Now, I had a pattern with Mr. Dean, as I said, who was very, who always had been very restrained in giving me any details and that he was doing that for my benefit and I appreciated it. But I had a habit of not probing because I got nowhere, I got turned off. In this case I didn't have to probe, I already was aware that something was going on, and I had thought of it in terms of possibly committing people or outside people, still didn't believe it had reached the White House, that here was a case where this was coming, this blackmail effort was being aimed at the White House and the information, whatever it was, was going to presumably involve the White House and I said no matter what he says it can't be worse than getting into a blackmail.

Mr. THOMPSON. All right, did you ever talk to the President yourself about these matters?

Mr. MOORE. Yes, sir.

Mr. THOMPSON. When?

Mr. MOORE. I had a conversation with the President about that on April 19.

Mr. THOMPSON. All right.

Mr. MOORE. By the way, I had five meetings with the President and I have got the dates in mind, you know, in this period so this was April 19.

Mr. THOMPSON. All right.

Mr. MOORE. Five, and with Dean and this one is a later one, April 19.

Mr. THOMPSON. Tell us about the conversation you had with the President on April 19.

Mr. MOORE. Well, when I came in to see him, he had issued his April 17 statement that serious new charges had come to his attention, and so on. So when I came in I said, and he had said that they came to him March 21, I said "Well, that was"—I paid him a compliment about the statement in terms of what the reactions I had heard and I said "I note that March 21 date. I, John Dean, must have been the source of those charges," and he said something to the effect "Oh, did you know about that" and I said "Yes." I said "After

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we met with you the day before John and I talked about it," and I said "I urged him to go in and tell you," and he said, "In fact he told me you called him that very night." He said "Yes, I did," and I said "Now the thing that got me committed was that blackmail business with Hunt, did he tell you about that?" He said "Yes, yes, he mentioned that, that is what he said," and he said "Imagine," and again no quotation marks please, I have to give you my recollection, and he said, I think, "Imagine" or "just think of that," he said "I told him it was not only wrong but stupid. That you can't do that. First of all the demands never stop" and he said "Dean said this could go on," and the words "to a million dollars." The President said: "That isn't the point. Money is not the point. You could raise money, money is not the point, it's wrong, we could not, shouldn't consider it and it's stupid because the truth comes out anyway."

Now I don't know, he didn't—that was his comment to me.

Mr. THOMPSON. These will be further explored.

Mr. MOORE. Yes.

Mr. THOMPSON. But to go on as succinctly as we can, let's explore the other meetings briefly that you had with the President after that.

Mr. MOORE. I had a brief meeting with him the next day, April 20. And then I had another meeting with him—

Mr. THOMPSON. What did you talk about on April 20?

Mr. MOORE. On April 20 I sought this meeting, and I—

Mr. THOMPSON. You sought this meeting?

Mr. MOORE. Yes.

Mr. THOMPSON. The only meeting which you sought is the one we are talking about with the President?

Mr. MOORE. Yes.

Mr. THOMPSON. Go ahead.

Mr. MOORE. And he was leaving for Key Biscayne at 12:15, I think, and I sought it by going to Mr. Ziegler's office because I knew Ron was going to go in to see the President and I said, "Would you ask if he could give me 5 minutes before he goes to Florida," and Ron came back and said, "Stand by. He would like to see you."

And I went in and I said, "Mr. President, I have been thinking about the whole thing."

Mr. THOMPSON. Was this in the Oval Office?

Mr. MOORE. Oval Office standing by the door and the helicopter at one point the whirling started.

Mr. THOMPSON. Was he getting ready to go?

Mr. MOORE. He was standing up just the two of us.

Mr. THOMPSON. Do you know whether or not you were logged in?

Mr. MOORE. Yes, sir, I believe I was—

Mr. THOMPSON. All right. Go ahead.

Mr. MOORE. And he said, "Dick, I understand you wanted to see me."

I said, "Yes, sir. You are going down for that Easter weekend and it is a good time to contemplate," and I think I made a reference about, "Maybe this is the sort of a resurrection of the whole thing we are talking about."

At least I gave him a little, just that comment. Then I said, "The reason I wanted to see you, sir, is I have been thinking about this whole

EXHIBIT
50

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

8/11/73

CAMP DAVID,
MARYLAND

DATE (Mo., Day, Yr.)
APRIL 19, 1973

TIME DAY
8:15 a.m. THURSDAY

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
8:15				The President had breakfast on the Aspen sun porch.
8:51	8:53			The President motored from Aspen Lodge to the Camp David helipad.
8:55	9:28			The President flew by helicopter from Camp David, Maryland to the South Grounds of the White House. For a list of passengers, see <u>APPENDIX "A."</u>
9:31				✓ The President, accompanied by his Assistant, H. R. Haldeman, went to the Oval Office.
9:31	10:12			✓ The President met with: Mr. Haldeman
9:32	10:12			John D. Ehrlichman, Assistant
10:12	11:07			✓ The President met with Assistant Attorney General Henry E. Petersen.
11:08	11:09			The President met with his Assistant, Henry A. Kissinger.
1:13				The President went to the Cabinet Room.
11:13	12:29			The President met to discuss emigration policies concerning Soviet Jews with American Jewish leaders. For a list of attendees, see <u>APPENDIX "B."</u> White House photographer, in/out
12:29				The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.
12:29	12:48			✓ The President met with Mr. Ziegler.
1:03	1:30			✓ The President met with Mr. Ehrlichman.
1:30				The President went to the Rose Garden.
1:34				The President returned to the Oval Office.
1:36				The President went to his office in the EOB.
1:39	1:41	P		✓ The President talked with Mr. Ziegler.
1:40	1:41			The President met with Staff Assistant Thomas Hart.
1:45	1:46	P		✓ The President talked with Mr. Ziegler.
1:48	1:50	P		✓ The President talked with Mr. Ehrlichman.

Source: Misc 47-73 In re Grand Jury Proceedings

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 19, 1973 TIME DAY 1:57 p.m. THURSDAY	
PLACE DAY BEGAN					
CAMP DAVID, MARYLAND					
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	Lo	ID		
1:57	1:58		✓	The President met with his Special Assistant, Stephen B. Bull.	
2:05	2:08	R		The President talked with Mr. Kissinger.	
3:38		P		The President requested that his Special Counsel, Richard A. Moore, join him.	
3:46	5:00		✓	The President met with Mr. Moore.	
5:01	5:03		✓	The President met with Mr. Bull.	
5:03	5:04	P	✓	The President talked with Mr. Ehrlichman.	
5:10		P		The President telephoned his daughter, Julie. The call was not completed.	
5:15	5:45		✓	The President met with Mr. Ehrlichman.	
5:43	5:45	R		The President talked with his daughter, Julie.	
5:53	5:54		✓	The President met with Mr. Bull.	
5:58	5:59	P	✓	The President talked with Mr. Ehrlichman.	
6:00	6:03	R	✓	The President talked with Mr. Ehrlichman.	
6:03				The President went to West Executive Avenue.	
6:03	6:13			The President motored from West Executive Avenue to Pier One of the Washington Navy Yard.	
6:17	8:13			The President went boating on the <u>Sequoia</u> .	
7:05	7:25			The President had dinner on board.	
8:13				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.	
8:16	8:26			The President motored from the Washington Navy Yard to West Executive Avenue.	
8:26				The President returned to his office in the EOB.	
8:26	9:32		✓	The President met with: John J. Wilson, attorney for Whiteford, Hart, Carmody and Wilson Frank H. Strickler, attorney for Whiteford, Hart, Carmody and Wilson	

824/1/9/73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY <small>(See Travel Record for Travel Activity)</small>	
PLACE DAY BEGAN		DATE (Mo., Day, Yr.) APRIL 19, 1973	
CAMP DAVID, MARYLAND		TIME DAY 9:37 p.m. THURSDAY	

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
9:37	9:53	P	✓	The President talked with Mr. Haldeman.
9:54		P	✓	The President telephoned Mr. Ehrlichman. The call was not completed.
9:59				The President returned to the second floor Residence.
10:54	11:04	R	✓	The President talked with Mr. Ehrlichman.

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11/9/73
APPENDIX "A"

HELICOPTER MANIFEST
April 19, 1973

FROM: CAMP DAVID, MARYLAND

TO: SOUTH GROUNDS OF THE
WHITE HOUSE

President Nixon
H. R. Haldeman
John D. Ehrlichman
Dr. William M. Lukash, Personal Physician
Maj. John V. Brennan, Military Aide
Manolo Sanchez
USSS

80. On April 19, 1973 from 8:26 to 9:32 p.m. the President met with John Wilson and Frank Strickler, attorneys for H. R. Haldeman and John Ehrlichman. There was a discussion of the case against Haldeman and Ehrlichman.

The Committee has requested the tape recording and other evidence of this conversation. The President has provided an edited transcript of that recording. A summary of that transcript has been prepared.

Page

- 80.1 President Nixon daily diary, April 19, 1973,
Exhibit 50, In re Grand Jury, Misc. 47-73..... 1512
- 80.2 House Judiciary Committee staff summary of
White House edited transcript of a meeting
among the President, John Wilson and Frank
Strickler, April 19, 1973, 8:26 - 9:32 p.m..... 1515

EXHIBIT		USE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 19, 1973	
50		PLAN		CAMP DAVID, MARYLAND		TIME DAY 8:15 a.m. THURSDAY	
TIME		PHONE P=Placed R=Received		ACTIVITY			
In	Out	Lo	LD				
8:15				The President had breakfast on the Aspen sun porch.			
8:51	8:53			The President motored from Aspen Lodge to the Camp David helipad.			
8:55	9:28			The President flew by helicopter from Camp David, Maryland to the South Grounds of the White House. For a list of passengers, see <u>APPENDIX "A."</u>			
9:31				The President, accompanied by his Assistant, H. R. Haldeman, went to the Oval Office.			
9:31	10:12			The President met with: Mr. Haldeman			
9:32	10:12			John D. Ehrlichman, Assistant			
10:12	11:07			The President met with Assistant Attorney General Henry E. Petersen.			
11:08	11:09			The President met with his Assistant, Henry A. Kissinger.			
1:13				The President went to the Cabinet Room.			
11:13	12:29			The President met to discuss emigration policies concerning Soviet Jews with American Jewish leaders. For a list of attendees, see <u>APPENDIX "R."</u> White House photographer, in/out			
12:29				The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.			
12:29	12:48			The President met with Mr. Ziegler.			
1:03	1:30			The President met with Mr. Ehrlichman.			
1:30				The President went to the Rose Garden.			
1:34				The President returned to the Oval Office.			
1:36				The President went to his office in the EOB.			
1:39	1:41	P		The President talked with Mr. Ziegler.			
1:40	1:41			The President met with Staff Assistant Thomas Hart.			
1:45	1:46	P		The President talked with Mr. Ziegler.			
1:48	1:50	P		The President talked with Mr. Ehrlichman.			

Source: Misc 47-73 In re Grand Jury Proceedings

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 19, 1973	
PLACE DAY BEGAN				TIME DAY 1:57 p.m. THURSDAY	
CAMP DAVID, MARYLAND					
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	Lo	LD		
1:57	1:58		✓	The President met with his Special Assistant, Stephen B. Bull.	
2:05	2:08	R		The President talked with Mr. Kissinger.	
3:38		P		The President requested that his Special Counsel, Richard A. Moore, join him.	
3:46	5:00		✓	The President met with Mr. Moore.	
5:01	5:03		✓	The President met with Mr. Bull.	
5:03	5:04	P	✓	The President talked with Mr. Ehrlichman.	
5:10		P		The President telephoned his daughter, Julie. The call was not completed.	
5:15	5:45		✓	The President met with Mr. Ehrlichman.	
5:43	5:45	R		The President talked with his daughter, Julie.	
5:53	5:54		✓	The President met with Mr. Bull.	
5:58	5:59	P	✓	The President talked with Mr. Ehrlichman.	
6:00	6:03	R	✓	The President talked with Mr. Ehrlichman.	
6:03				The President went to West Executive Avenue.	
6:03	6:13			The President motored from West Executive Avenue to Pier One of the Washington Navy Yard.	
6:17	8:13			The President went boating on the <u>Sequoia</u> .	
7:05	7:25			The President had dinner on board.	
8:13				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.	
8:16	8:26			The President motored from the Washington Navy Yard to West Executive Avenue.	
8:26				The President returned to his office in the EOB.	
8:26	9:32		✓	The President met with: John J. Wilson, attorney for Whiteford, Hart, Carmody and Wilson Frank H. Strickler, attorney for Whiteford, Hart, Carmody and Wilson	

80.1 PRESIDENT NIXON DAILY DIARY, APRIL 19, 1973, EXHIBIT 50,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY <small>(See Travel Record for Travel Activity)</small>		08/11/73
PLACE DAY BEGAN				DATE (Mo., Day, Yr.) APRIL 19, 1973
CAMP DAVID, MARYLAND				TIME DAY 9:37 p.m. THURSDAY
TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
9:37	9:53	P	✓	The President talked with Mr. Haldeman.
9:54		P	✓	The President telephoned Mr. Ehrlichman. The call was not completed.
9:59				The President returned to the second floor Residence.
10:54	11:04	R	✓	The President talked with Mr. Ehrlichman.

CD/SN/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT
APRIL 19, 1973, 8:26 P.M. -- 9:32 P.M.

On April 19, 1973 the President met in his EOB office from 8:26 to 9:32 P.M. with John J. Wilson and Frank H. Strickler, attorneys retained by Haldeman and Ehrlichman. The President asked Wilson and Strickler to tell him "where it stands" both from the "standpoint of the people you are representing and from the standpoint of the Presidency...." The President remarked about "one of those things where people with the best of intentions--I mean everybody. John Mitchell I love.... He did things here, you know, that were (unintelligible) on a less, here we have people who got involved--tangentially." (p. 3) Wilson indicated they had made a visit to the District Attorney's office that afternoon.

Wilson said Haldeman had written a memo "which boils down the sensitive area...to the matter of \$350,000." The President said he was aware of that, and had questioned Haldeman very thoroughly on all things himself. Wilson said that Haldeman said Dean had come to him and told him of the need for the money to help alleviate families and to pay for legal counsel for the Watergate defendants. Later, Haldeman told Wilson according to Wilson, "when the money was transferred over to the Committee, he just wanted to be rid of it. And he had no intention as to where it might go. And . . . that's that."

Wilson then said "we said to him that we don't doubt that--about the truthfulness," but went on to suggest that it could look questionable to a jury, and Strickler added that it could become an issue "depending upon how the testimony comes out of the various people...." (pp. 4-5)

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Wilson said Haldeman said "wait a minute... what is this sin? What is wrong with this?", and they told him that "by a far stretch, this might be something of accessory after the fact to a conspiracy at the Watergate." (p. 5) The President, Wilson and Strickler agreed that the argument of the prosecution would concern "the motive as to whether he gave it to Dean with the knowledge and with the intent of keeping the defendants quiet." (p. 6) Strickler said they did not know what Dean will say on this but "in our thinking, we assume the worst." The President said "Exactly. Absolutely." Wilson said "Now, we are old prosecutors, Mr. President," and that "we think this is not a case, according to our standards....This is not an indictable case against Bob." (p. 6) On the other hand, Wilson said, "bear in mind that we have got a group of zealots...particularly Seymour Glazer who is a fire-eating prosecutor, and...these zealots always shoot for the top." (p. 6) The President said, "in other words, they may indict even though they don't think they can (unintelligible)," and Wilson said "That's it exactly." (p. 7) Wilson and Strickler affirmed that if it goes to court they might be able to defend Haldeman on the evidence they now have. The President referred to a letter to LaRue and Strickler said they had that.

Strickler said Haldeman and Ehrlichman were wonderful fellows, and the President agreed and said "they tell the truth, too." Turning to Ehrlichman's situation, Wilson referred to Hunt's safe and a pistol there, some electronic equipment which Bob didn't think was for bugging, that was more

recording than bugging, and a batch of papers which Wilson called "sensitive or semi-sensitive in nature." The President said "Sensitive in what respect--political or other?" Wilson said "I don't think it was as much political as it was--didn't he have something to do with national security?" The President said yes. Strickler said "I think it was a mixture of both." (p. 9) Wilson said "Was it--guess it might have been," and the President said, "yeah."

Strickler said the FBI was brought in and they got the pistol, the bugging equipment and large quantity of papers, and the President said "Which they gave to Dean--I mean to Gray." Wilson said "Well, presumably not this particular sensitive area." The President said "Oh," and Wilson said, "Gray, as the head of the department, may have seen it. But this is not the particular instance where we see Gray. Uh, Dean held back some papers." (p. 9)

Wilson said "they" gave most of the papers to the FBI, and the President said "Thank goodness, they did that." Wilson and Strickler agreed "It was promptly done." (p. 10) Strickler indicated that Ehrlichman said that later on Dean informed him he was holding back other papers. Wilson then said that "Dean had a little envelope which was unopened as far as John was concerned. He was unaware of its contents. And Gray was sent for," at Dean's suggestion or maybe Ehrlichman's.

According to Wilson, Dean handed Gray a package of papers "which as I say for John's purpose was sealed" and "he never saw the contents."

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Gray took the package, according to Wilson, and left. The meeting did not last over four minutes. At some later time not specified in the transcript, according to Wilson, Gray approached Ehrlichman and said, "I want you to not mention the fact that I received those papers." Ehrlichman, Wilson said, told Gray, "Well, I can't do that." Ehrlichman further said "This was a--you were (unintelligible) in this somewhere. I didn't know where it was--I never asked you what was in it." (p. 11) And, Wilson said, Gray replied "Well, I'm embarrassed because I destroyed it." And Wilson said, "Now this is Gray's fault." (p. 11) The President said "Terrible damned thing to do." Wilson said "Oh terrible." (p. 11) There was then some discussion to the effect that Gray had testified to the contrary or told Petersen the contrary. (pp. 11-12)

Wilson said, "John Ehrlichman left a rather equivocal response to the request. He called him back, upon reflecting, and said, 'Look, I want you to know that I have got the question of papers.'" Then Wilson said, "Gray got to Petersen and said, 'look, I did get it. And I destroyed it.'" (p. 12) The President said "I guess the only basis Gray could say that it was political stuff and I didn't want to appear--pretty bad."

Wilson then told the President that he did not trust Petersen. Wilson said "We both had had one experience with him," and recounted that experience.

Wilson then turned to what he called "the second phase of John Ehrlichman" which was "the idea of raising funds." (p. 13) The President said "Which he was approached on," Wilson said "Yes, and this was not to come

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out of the three-fifty." The President said Ehrlichman "didn't know about the three-fifty." Wilson said, "Oh, I think he knew about it...he must have according to the--", and the President said "Well, what I meant is, it wasn't his field." The President said "Raising money and Dean says, 'Can I talk to Kalmbach,' and he said, 'Yes,'" and Wilson said Kalmbach went out and did raise the money. Wilson said "these matters involving John alarm us even less...than Bob's do," from the criminal side. The President said "He said they come to him and they say, look here. I'm going to raise some money. And Kalmbach here suggest okay. You mean that doesn't make him guilty of something?" Wilson said, let's go back to the accessory after the fact idea, and that this gets even removed further than the release of the White House funds to be used for that purpose. Wilson said, "Now this...contrast is not to be taken as making any great division between Haldeman and John," because "our judgment is that neither one can be successfully prosecuted." (pp. 13-14)

There was a discussion of the concept of a non-indicted co-conspirator which Wilson explained to the President. (pp. 15-16) The President said "Well, for Bob and John--if they put them on that list--it kills them... from the standpoint of the public." Wilson then reported on their meeting that day with Glanzer, Campbell, and Silbert of the U.S. Attorney's office. Wilson said Glanzer seemed surprised that Haldeman and Ehrlichman had engaged Wilson, and that they gave Wilson a little encouragement. Wilson also said Glanzer suspected they were possibly representing John

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Mitchell and Wilson told Glanzer that wasn't so. Wilson reported they asked Glanzer questions but Glanzer "was a little tight today because he was in the presence of his superior," and that they had found him more loose and perhaps on other occasions they would be able to get him alone.

Wilson reported that Glanzer said he planned to have an office interview with Haldeman and Ehrlichman which would not be recorded, that Wilson and Strickler could be present, and that neither the prosecutors nor the counsel would take notes. Wilson said Glanzer said "We want to know what they will say before we take them before the Grand Jury -- if we go." The President replied that Petersen told him they were going to be called before the Grand Jury, and Wilson said this is possible. (p. 15)

Wilson said then later Silbert entered the meeting and "qualified Glanzer" by saying we are going to have to talk to the Department of Justice about the interview, meaning whether there would be any interview of Haldeman and Ehrlichman. Wilson also said Silbert said he saw from the papers that Ehrlichman had been conducting investigations. (pp. 16-18)

A discussion followed containing several unintelligibles rendering the meaning unclear, after which Wilson said the prosecutors volunteered that "these leaks from the grand jury were irritating the hell out of them." (p. 19) Wilson indicated the prosecutors blamed the leaks on the court reporter, and the President and Wilson suggested their disbelief at this as

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the likely source. Wilson said at the end of the discussion they got it "pretty well committed there that (unintelligible) permitted. The interview would come first." (p. 20) And Wilson said Silbert said the prosecutors would "get around to this" before the Ervin Committee hearings began. (p. 21)

Some discussion followed about Glanzer, the President saying he is obviously rough and Wilson, agreeing, said he exaggerates and at times does not tell the truth and at other times tells half the truth. Wilson said Hunt was before the Grand Jury this afternoon, and the President asked "What happened? Of course, nobody knows what happened." (p. 22)

The President said "Let me say my good friend Len Garment and some others think that...Dean out there is a loose cannon--". Strickler said yes, and the President said "Threatening, and all that sort of thing. And I think obviously what is happening--and I think that Glanzer and Silbert are giving, trying to give, Dean an incentive to lie in order to get Haldeman and Ehrlichman. Dean is scared and Dean is capable of doing that. Do you agree with that?" Strickler said "I think so," and the President said "And Mitchell told him so. But of course that wouldn't get him out of it. There's no way he'd (unintelligible) criminal, (unintelligible)."

At this point Wilson said, "(unintelligible) see if this (unintelligible) I don't know whether Frank wants to talk to you about it. When I was at that meeting today, I had a feeling...that...Ehrlichman and Haldeman are really not (unintelligible)." The President said "But Petersen certainly indicated...last Sunday" that Haldeman and Ehrlichman should resign. The President said, "But my point is we

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have very great pressures...and say that Haldeman and Ehrlichman destroyed in the public mind and they'll say breach of a public trust....I don't want to do anything that would jeopardize their case." (pp. 23-24)

Discussion turned to whether Haldeman and Ehrlichman should be suspended as proposed by Petersen. Wilson said a suspension or resignation would not assure that they would not be indicted. The President appeared to say that Petersen told him that also. The President said "If I thought their resignation would avoid an indictment, I would have them resign."

(p. 25) Wilson said "Now, I trespass on your area of judgment when I say . . . that if they resign or are suspended that this is a reflection on the Presidency." The President said "Well, if they don't resign or are suspended and then are indicted, that's all (unintelligible)." Wilson said "but . . . you have already announced you would suspend them then," and that "By the way, you know this. I don't have to tell you. They are willing to leave."

The President said he knew. Wilson said "And yet on the other hand they are willing to stand up to this thing . . . if it doesn't hurt you."

(pp. 26-27) Strickler agreed that resignation now by these two gentlemen will be a "tremendous reflection on the Presidency." He said "because the public statement says that this is only in Senator Ervin and other sources, because there is no evidence to tie them in to a criminal situation . . . if they stepped out at this point there is going to be a public feeling that this is an admission of guilt" (pp. 27-28)

The President suggested Wilson and Strickler were leaning in the direction of taking the risk that Haldeman and Ehrlichman would be named "as so-called co-conspirator" and if they are "Then we just have to move in." Wilson said it was possible that his clients would have the informal interview, which they were leaning toward doing, and maybe Wilson and Strickler would be there too, not just as spectators but to "cover for our client. And if the question is unfair, I enter into the act." (p. 28)

They discussed the timing of such an interview, and the fact that Wilson would not send his client before the grand jury because he would be there alone. Wilson said the prosecutor controls the grand jury and has been in there for months. Wilson said he told Silbert he would prefer Silbert ask for the interview rather than for his clients to do so. The President said, "In other words, wait 'til they're ready?", and Wilson said yes. (pp. 29-30)

The President said he told Petersen, Haldeman and Ehrlichman would come "anytime he wanted them." Wilson said "we did not resist it." The President said, "in other words, your advice at the present time is stand with these men, because basically if you flush them now, it's going to probably . . . hurt their case," and Wilson agreed. (p. 30) Wilson said after the interview with the prosecutors they had been talking about, they would take another look at it and reappraise this situation -- that this thing has to be played in steps. The President said "You don't know how much they have and what they can prove," and Wilson said "That's it, exactly." (p. 31)

The President then said "Then, you've got to remember Dean, as I have said, is a loose cannon The damnest charges you've ever heard. Some of them are unbelievable This fellow that was sitting in here and who in the Office of the President -- a very bright young guy and these guys would talk to him and so forth -- but he now wants to drag them down with him." Wilson said "he's bad" and the President said they must have told Dean if he can "get" Haldeman and Ehrlichman, he gets immunity. The President asked "do you want Petersen to give him immunity, or not?" (p. 32) Wilson said "as I understood, they were hung up on that right now," and the President said "they are." The President said, "See, that's why -- I put out a statement

that no major figure should be given immunity." (p. 32) Wilson said "Let me tell you --", and the President said "Basically, because I think it would look bad if (unintelligible) from our standpoint. What do you think about it?" (p. 33)

Wilson then told the President "about the two kinds of immunity," case immunity and use immunity, and suggested a witness testifying under immunity obtained in exchange for trading off his friends could be seriously undermined on cross-examination. (pp. 34-35)

The President said he thought Dean's lawyers were just trying to get him off on "the whole damned thing." Strickler said "What we have found in other cases with Glanzer is that they don't want to go to the elaborate statutory procedure and just want to have an oral understanding. 'If you cooperate with us, we'll give you our word we won't prosecute you.' " The President said "That's what they told Dean," and Strickler said "That's generally their procedure when there are conspirators." Wilson said "This is Petersen's style. He practically gave us this in another case but he double-crossed us gently and we just don't believe him." (pp. 35-36)

Strickler said he was confident that "they are going to tell each one of these witnesses that are scattered around -- potential witnesses against Mr. Ehrlichman and Mr. Haldeman -- they are putting the screws on them -- they are scaring them. And they are using psychology." (p.36) He said "when I look at it from the merits of the case, I don't think they have a criminal case against these gentlemen at this point." (pp. 36-37)

The President responded, "Even on conspiracy? . . . I understand that conspiracy is very broad . . . But you have to have an overt action." Wilson said "Not on the part of every defendant . . . But the overt act could be in itself innocent if they are part of the pattern." The President said "I think that is really what they are going to try to nail Haldeman and Ehrlichman on. Not on the . . . Watergate thing -- they can't do that. (Unintelligible) has approved the budget that (unintelligible). They can never prove that whole thing. Never prove that that's what (unintelligible) never prove that." But, said the President, "on the other hand, they will say that on the three-fifty-- 'Haldeman and Ehrlichman were involved with Dean and Magruder in an effort to get the money to keep the defendants quiet.' What's the answer to that?" Wilson said "If I understand John and Bob correctly -- Dean's presentation goes no further, as far we know, than money to take care of their families . . . and legal counsel." The President said "That's right." Wilson said "Well, you might say circumstantially that helping the defendants for the purpose of shutting their mouths." (pp. 37-38) The President said "The other thing -- there was perhaps one instance -- very little very -- little where it said there is the matter of (unintelligible) I am confident their motive in every instance was to help their families and with their legal counsel. . . I can't see that that's wrong." Strickler said "I cannot either. No, there is no crime in this."

Strickler appears to have said that he thought it significant that money was not sent over or actions taken after newspapers stories of payoffs appeared.

The President said "Your point is that which has some merit to me, that probably it's just as bad . . . to sink them now as it is to sink them if they are indicted", and Wilson agreed. The President said "If they are indicted, then I've given them every chance. And if they are indicted, we'll let them go." But he reminded them that the prosecutors and Petersen would make the argument that even if they are not indicted, they will be "indicted in the public mind with all this stuff." (pp. 39-40) The President asked "Do you think their usefulness will be destroyed by that?" Strickler asked, "won't there come a time when they will testify before the Ervin Committee and have a chance to make their public presentation?" The President said no, "I think they will be testifying in court before that, and he said he did not see how the Ervin Committee can possibly be allowed to go forward when these court suits develop. (p. 41)

A discussion followed about Henry Petersen. Wilson said "Dean's getting off the hook, possibly," and the President said "For having revealed too much to Dean?" Wilson said "no, from indicting your top man." The President said "he didn't want to indict them he doesn't seem to be concerned about indicting Mitchell. He is concerned--he is petrified. And Mitchell will be indicted." Wilson said that was what he was told, and "I have never been in quite this far as they are with this situation, but I know--." The President said "You mean they are going to be reluctant to indict the two top men." Wilson said, "That's what I would say except you know--I would put it this way--Petersen will handle--this problem. I guess--a holdover from the Democratic Administration." The President asked for Wilson's judgment, and Wilson said "I thought as the prosecutor he would love to--unless he was just crazy or ruthless to want to indict the top of the ladder," and Strickler added "Without the strongest case...." (p. 42)

The President said "He didn't want to indict unless he can convict." Strickler said "Yes. But this is not one. I don't think he would throw in your two top assistants--into an indictment as defendants, without clear evidence against them." Nor did Strickler think they would be named as unindicted co-conspirators without clear evidence. The President said "at this point, I think the thing to do is to stand firm." (p. 43)

The President said "Don't panic....These are good men. I just hope we can save them. It's a miserable thing to have them go through." Wilson said, "But you do know, I am sure, we have said to you that while we have their interests--well, I'll say, not primarily, but largely-- in our heart, they are--because they are our friends....We are equally interested in this possibility. . . We think it

spills over other people." The President said "If anything's done now -- let's just sit it out awhile -- take the smears for awhile." (p. 44)

Strickler said he was wondering and hesitated to bring it up, because it was more of his problem, "The statement from Huston -- interviews in depth with your top assistant that you have gone into the fact with them -- that you've put your confidence in them -- believe what they say." The President said "Want me to say that?", and Strickler said yes. He also apparently asked the President to say "They have not done anything wrong." Wilson said "while I like Frank's presentation of that -- I'm concerned about the credit." (p. 45) Wilson suggested saying something about "their counsels," but not that their counsels "advised" the President. The President said "I think the timing on that -- let's have that in a reserve -- I think that's a good point Let's let Easter go by -- hope the weekend survives." (pp. 45-46)

Wilson said Magruder was not coming back until Monday and asked the President if he had been informed of that. The President said no, but said "Hunt was there today." Strickler said "but, somebody is coming in tomorrow . . . I don't know who it was." Wilson said "we'll see these men tomorrow again," and the President said "We appreciate your work." Strickler said "The problem -- that we should be trying to get information at Seymour Glanzer's level and you're in conversation with the Assistant Attorney General, but yet it seems worthwhile and productive." The President said "I'm not sure that Glanzer is telling the truth." After further discussion, the President said "you've got honest men; I know they're telling the truth." The President said, "Well they're touched by this because anybody who was in the campaign is touched by everything the about it. And frankly, Mitchell's an honest man. He just wasn't tending the

shop--he had problems with his wife--these jackass kids and other fools around did this thing and John should have stepped up to it--that's what happened in my opinion." (p. 47)

As the conversation was closing and the talk turned briefly to the election, the President said, "Well, we'll survive this. You know--people say this destroys the administration and the rest--but what was this? What was Watergate? A little bugging! I mean a terrible thing--it shouldn't have been done--shouldn't have been covered up. And people shouldn't have and the rest, but we've got to beat it. Right." Wilson said "everybody does--the Democrats have been doing--going on for 20 years. (Laughter)" (p. 118)

81. Between April 19 and April 26, 1973 the President had eleven conversations with Henry Petersen. Petersen has testified that during these conversations the President asked Petersen for a detailed written report on the Watergate matter; discussed the advisability of retaining Haldeman and Ehrlichman at the White House; and discussed the progress of the Grand Jury investigation. Petersen has testified that some time in the course of the April discussions the President made a flattering reference to Petersen as an adviser to the President and said he would have to serve as "White House counsel." The President also asked Petersen whether he would like to be FBI director, but stated he was not offering him the job.

Page

81.1 Meetings and conversations between the President and Henry Petersen, April 19-26, 1973 (received from White House).....	1532
81.2 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 17-23, 29-33 (received from Watergate Grand Jury).....	1535

MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND HENRY E. PETERSEN IN MARCH AND APRIL

March 13, 1973

AM	8:39	11:00	Republican Congressional Leadership meeting in Cabinet Room (Mr. Petersen attended)
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April 15, 1973

PM	4:00	5:15	President met with Mr. Petersen and Mr. Kleindienst in the President's EOB office.
	8:14	8:18	President telephoned Mr. Petersen
	8:25	8:26	President telephoned Mr. Petersen
	9:39	9:41	President telephoned Mr. Petersen
	11:45	11:53	President telephoned Mr. Petersen

April 16, 1973

PM	1:39	3:25	President met with Mr. Petersen in the President's EOB office (Mr. Ziegler 2:25-2:52)
	8:58	9:14	President telephoned Mr. Petersen

April 18, 1973

PM	2:50	2:56	President telephoned Mr. Petersen
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April 19, 1973

AM	10:12	11:07	President met with Mr. Petersen
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April 20, 1973

AM	11:32	11:40	President telephoned Mr. Petersen
PM	3:53	3:58	President telephoned Mr. Petersen (Long distance)

*Leave White House
4/21/73*

81.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT
AND HENRY PETERSEN, APRIL 19-26, 1973

Mr. Petersen

-2-

April 23, 1973

WJH

101550

AM	11:09	11:35	President telephoned Mr. Petersen (long distance)
	11:44	11:49	President telephoned Mr. Petersen (long distance)
PM	7:27	7:37	President telephoned Mr. Petersen (long distance)

April 24, 1973

AM	8:52	9:02	President telephoned Mr. Petersen (long distance)
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April 25, 1973

AM	8:56	9:01	President telephoned Mr. Petersen
PM	5:37	6:45	President met with Mr. Petersen

April 26, 1973

PM	5:56	6:17	President telephoned Mr. Petersen
	7:12	7:14	President telephoned Mr. Petersen

April 27, 1973

PM	4:31	4:35	President telephoned Mr. Petersen
	5:37	5:43	President met with Mr. Petersen
	6:04	6:48	President met with Mr. Petersen (Mr. Ziegler 6:10-6:20)

April 28, 1973

AM	9:13	9:25	President telephoned Mr. Petersen (long distance)
PM	7:06	7:11	President telephoned Mr. Petersen (long distance)

81.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT
AND HENRY PETERSEN, APRIL 19-26, 1973

Mr. Petersen

- 3 -

101550

April 30, 1973

1171
1171
1171

PM 12:28 12:33

President telephoned Mr. Petersen (long
distance)

1 might be raised among the Cuban organizations in Florida --
2 passed through them, or what have you, I don't know -- but
3 only in that sense.

4 I suppose I implied that it would be campaign funds
5 that were be moving through front organizations in order to
6 conceal their origins, but I can't attribute that statement
7 to anyone.

8 Q Well, is it your recollection that the President
9 implied, in this conversation, that it was from Dean that
10 he first learned that such surreptitious payments were being
11 made to the defendants?

12 A That's right. Yes.

13 Q Did the President indicate that he had spoken to
14 various advisers concerning the question of the involvement
15 of Haldeman and Ehrlichman and the related question as to
16 whether to call for their resignations?

17 A Yes. Sometime early in that week -- well, this
18 certainly was not April 15th, so it had to be the 16th. I
19 don't believe I saw him on the 17th and 18th, and I did see
20 him on the 19th, to my recollection.

21 So either on the 16th or 19th, he had indicated
22 that he had discussed with Secretary of State Bill Rogers,
23 who was a former prosecutor in New York, my conversation of
24 the 15th with the President.

25 Q Did he mention anyone else?

DV

1 A Discussing it with any other adviser?

2 Q Well, specifically, with Mr. Wilson or Mr. Strickler?

3 A No. He asked me did I know Wilson and Strickler
4 and I indicated yes, that I did know them. I thought highly
5 of them as lawyers. But my recollection is it was after
6 they were retained and I gathered, from the President's com-
7 ment, that he was present at the time when Wilson -- whether
8 Strickler was present or not -- had debriefed Ehrlichman
9 and Haldeman under, I gather, rather rigorous-style cross-
10 examination.

11 Q And at least Mr. Wilson -- whether Haldeman and
12 Ehrlichman were present at the time, you got the impression
13 from the President that Mr. Wilson had communicated the in-
14 formation he had learned to the President?

15 A Well, I don't know. I assumed that, but I can't
16 say the President told me that. But it was clear, one, from
17 the President's comments that he had talked to Wilson. It
18 was my inference that he had been present when Wilson ques-
19 tioned those people.

20 But the same inference -- that inference doesn't
21 necessarily hold. It may have been that Wilson was question-
22 ing the President, you know. I don't know.

23 In any event, there was a conversation with Wilson.

24 Q This was in the context, though, of the President
25 relating to you what he had attempted to do to learn the facts?

1 A That it was necessary for him to learn all of the
2 facts with respect to this matter so the President, or Head
3 of State, would be able to take whatever action was appro-
4 priate.

5 Q Now, going back to the time when the President
6 spoke to you, on the 18th, about whether or not Dean had
7 been granted immunity. Aside from the President's constena-
8 tion about not having been informed of a decision which he
9 thought had been made and carried out, did he indicate any-
10 thing about the substance of the question of immunity to Dean?

11 A I'm not sure what you mean by "substance" in that
12 context.

13 Q That is the pros and cons of giving Dean immunity
14 as opposed to his disappointment about not being advised.

15 A No. There were those conversations but not at the
16 time of that telephone call where he raised the question.

17 Q Well, when you called him back and informed him
18 that someone was mistaken and no such agreement had been
19 arrived at, did he, at that time, reiterate his position
20 or his various feelings on immunity?

21 A No. At that time, we were three days beyond our
22 earlier discussion with respect to immunity and I think that
23 we pretty much had a meeting of the minds that this was a
24 sober decision and I had to make it and I would take all of
25 these factors into consideration.

DV

1 So there was no further discussion, at that point,
2 other than to say that my inquiry had confirmed through
3 Charles (Jaffa) that we were in a negotiating posture. No
4 immunity, either formal or informal, had been accorded and,
5 indeed, that no stopple had been created insofar as grants
6 of immunity was concerned.

7 Q Did the President ever indicate to you, or discuss
8 with you, the question of immunity for Ehrlichman or Haldeman
9 and, specifically, the question of national security matters
10 that either of the two might have been involved in which
11 may have appeared to entail some criminal activity?

12 A No. No.

13 Q Back to that day on --

14 A That would have been preposterous. I was in no
15 mood to hear anybody discuss -- it's hard to second guess
16 yourself and look back, or project what you might have done,
17 but that's one of the things that I think would have caused
18 me to get up and leave.

19 Q Did the President ever indicate to you what he felt
20 the so-called Hunt blackmail to entail on the blackmail side
21 rather than on the money side? That is, on the information
22 side that Hunt would divulge, if he were not paid?

23 A Well, the implication is that Hunt would tell all,
24 but whether that all would be correct or incorrect, there was
25 never any basis to ascertain or confirm.

LV

21

1 Q I take it you never did have a substantive discus-
2 sion about what it was Hunt could reveal?

3 A No.

4 Q Did there come a time when the President requested
5 that you put in writing the substance of the investigation
6 up to any particular point?

7 A Well, there were two occasions. First, on April
8 15th, after we gave him the oral statement, he asked me to
9 put that in writing so that he would be certain of it. That,
10 I did. That very brief statement has previously been made
11 available to you.

12 At or about that time, maybe later in the week,
13 he asked for a full exposition. Having got into it this far,
14 he felt he needed all the information, and I said I would
15 undertake to to try to do that.

16 I did go through the information but it was deter-
17 mined that anything above and beyond that which I'd already
18 given him was Grand Jury matter and, therefore, was not to
19 be divulged.

20 On that score, I should say that that came up, as
21 I recall, in the April 15th meeting, if I'm not mistaken.
22 It was the President -- in the course of the President asking
23 to be kept informed of these things, that he pointed out
24 that he didn't expect to get Grand Jury information and we,
25 of course, agreed to that. Which I thought was fortunate

1 because I'm not all certain that as President he's not en-
2 titled to Grand Jury information from Government attorneys,
3 if it's distributed in the course of their duties.

4 Q In any event, I take it you got back to the Presi-
5 dent and told him that you could not provide him a more de-
6 tailed report?

7 A That's correct, I did, and he accepted that. There
8 was no discussion, argument, rancour, indignation, anything
9 else -- and I gave him that "no" with some trepidation, I
10 don't mind saying.

11 Q Now, aside from a detailed written report, did you
12 provide all information to him, from time to time, about the
13 progress of the investigation or the possibility of --

14 A From time to time, but it was very general, in the
15 two weeks. For example, when he called about the immunity
16 thing, he said, "Well, what else is new?" And I told him
17 about the John Dean statement with respect to the Fielding
18 break-in.

19 On another occasion, I told him about the conflict
20 between Strachan and Magruder and we were trying to resolve
21 it and, if Strachan developed into a witness, then we would
22 have a prima facie case against Haldeman.

23 But it was in the context of what I describe as
24 ultimate rather than evidentiary fact.

25 Q Was there some discussion about the scheduling of

1 of witnesses before the Grand Jury?

2 A Well, there was some discussion about the need for,
3 you know -- "Hurry up and get this over with." "Yes. We'll
4 make haste as reasonably as we can." But not specific wit-
5 nesses, as I recall -- who was coming in, when, you know.

6 Well, you know, I hesitate over that one. If I
7 would tell him something about Strachan, he might say, "Well,
8 you've got to get this tied down. You've got to do this."
9 In that sort of context.

10 Q In substance, in discussing Mr. Strachan and his
11 potentiality as a witness, did you advise the President that
12 if Mr. Strachan came around and told the truth that he would
13 probably be able to provide evidence of criminal activity,
14 linking Mr. Haldeman to those crimes?

15 A No question about that. I mean, I made it pretty
16 clear, "Well, you have a reservation about Dean. Okay. But
17 then there's Magruder and, if Strachan comes through, Halde-
18 man's dead." You know, that was --

19 Q When do you recall that this took place?

20 A I think this started around September -- whatever
21 that month was.

22 Q April?

23 A April 15th.

24 Q Do you recall having a telephone conversation with
25 the President on the evening of April 15th?

DV

17 Q But, in any event, during the course of the April
18 discussions, or shortly thereafter, there was no such sugges-
19 tion?

20 A No, never. Absolutely not. Oh, well -- you know,
21 absolutely not, absolutely not, as far as I was concerned,
22 but there were statements, during the course of the President's
23 conversations with me, "Now, you'll have to serve as White
24 House counsel," or, "You're the adviser to the President now,"
25 which I, frankly, thought was a little heavy handed.

NOTE: THIS PAGE CONTAINED THE ABOVE DELETION WHEN IT WAS RECEIVED
BY THE COMMITTEE ON THE JUDICIARY.

1548

1 Q Did that have any meaning of any substance or pro-
2 cedural import?

3 A I thought it was sheer unadulterated flattery is
4 what I thought it was, but it was not in any context of pro-
5 mise, formal assignment, leaving my duties.

6 Q There were no strings attached, I take it, in terms
7 of communication of information or anything along those lines?

8 A Well, I don't think so, but I don't know what you
9 mean by strings attached in terms of communications. "You
10 tell me this; I'll give you that," no.

11 Q In terms of your being a White House counsel, if
12 that were the case -- and, of course, we're kind of talking
13 hyperthetically through all of this, since you said it didn't
14 make much difference to you what he said, because you regarded
15 it as flattery, but was there any concept of confidentiality
16 of communication or of a knowledge that you had obtained from
17 some source?

18 A You mean, "You and I stick together, buddy. I'll
19 make a big man of you"? No. Uh-uh.

20 Q No. I wasn't implying that. I was implying the
21 possibility that, if you were counsel to the President and had
22 learned certain information, there might be an attorney-client
23 privilege to which would not maintain just wearing your
24 Department of Justice hat. I take it there was no such dis-
25 cussion?

1 A No, no. Indeed, I never thought of myself as any-
2 thing other than Assistant Attorney General in the Department
3 of Justice who was trying to advise the President of informa-
4 tion I thought he should probably be advised of, so that he
5 could take the necessary action to protect the Presidency of
6 the United States.

7 Q Was there ever a discussion about convening a new
8 Grand Jury to present this information to, as opposed to this
9 Grand Jury before which you are now appearing?

10 A Not to my knowledge, no.

11 THE FOREMAN: I just want to extend something in Mr.
12 Ben-Veniste's investigation.

13 Your testimony is that you were never approached,
14 directly or indirectly, by intimation, that, in view of your
15 understanding of the investigation or possession of a great
16 deal of factual information, as far as this investigation was
17 concerned, that you should, in a sense, not necessarily switch
18 sides, but work more in conjunction with the plans of the
19 President's lawyers rather than the Department of Justice?

20 THE WITNESS: No, there was not. But, you know,
21 this debate goes on and it's a very, very difficult debate.
22 The Department of Justice, as an institution, you know, has
23 a duty, an obligation and responsibility of representing the
24 Presidency.

25 And the Presidency is something, obviously, larger

DV

1 than the incumbent. And it seems to me that we debate this a
2 least weekly even now.

3 The question of the subpoena on the President, for
4 example, out of the local case. The White House wanted us to
5 represent them. The Criminal Division, the Associated General
6 Office, they didn't care who, and we had to decline. And
7 yet, in declining, we had to recognize that we do have an
8 obligation to represent the Presidency.

9 So the middle ground that we arrived at is that if
10 there's an adverse decision, we will appear amicus in the
11 Appellant Court but we will not represent the White House as
12 a party to the proceedings.

13 So, too, with respect to the decisions on the sub-
14 poenaes by the Ervin Committee. The request was made that
15 Bourke appear on the five tapes of conversations in the
16 District Court and, Bourke being the Solicitor General, we
17 refused, again, on the same ground. But we might, later,
18 have to file brief amicus again to represent the Presidency
19 with respect to the 500 or so documents subpoenaed by the
20 Ervin Committee -- the same debate, the same resolution.

21 These are terrible questions. We do represent the
22 legal office for the President and the Government of the
23 United States.

24 THE FOREMAN: My question was less towards the De-
25 partment of Justice Criminal Division or you, as Assistant

1 Attorney General, than Henry Petersen as a lawyer who knows.

2 THE WITNESS: Would quit and represent them? No.

3 Indeed, I couldn't do that. That's a clear professional con-
4 flict of interest. They may not recognize it, but there are
5 a lot of things they apparently don't recognize.

6 THE FOREMAN: I was asking for your reaction. My
7 question was asking if the subject had ever been broached to
8 you by anyone.

9 THE WITNESS: No. The only offer -- that's not
10 correct. The only statement that was ever mentioned or made
11 by the President, which I felt was indiscreet and I mention
12 it only in -- I'm not sure that it's really germane -- I
13 think was on one of the occasions he asked me would I like
14 to be Director of the FBI, and then he went on and talked
15 for about fifteen minutes and I indicated that that was not
16 one of my ambitions.

17 If I became Director of the FBI, that was fine; if
18 I didn't, that was fine, too; and that's the way we left it.
19 But that having come subsequent to the disclosures with res-
20 pect to Judge Matt Burn, I thought it was an indiscreet thing
21 to say.

22 But I have to say that he was quick to say, "I'm
23 not offering you the job."

24 BY MR. BEN-VENISTE:

25 Q When was this?

82. On April 20, 1973 Herbert Kalmbach was scheduled to testify before the Watergate Grand Jury. On the afternoon prior to his scheduled appearance, John Ehrlichman and Kalmbach had a telephone conversation, which was taped by Ehrlichman without Kalmbach's knowledge, during which they discussed Kalmbach's payment of funds to the Watergate defendants.

Page

82.1	Transcript of a telephone conversation between John Ehrlichman and Herbert Kalmbach at 4:50 p.m., April 19, 1973, SSC Exhibit No. 77, 5 SSC 2215-17.....	1548
82.2	Herbert Kalmbach testimony, 5 SSC 2162-63.....	1551

2215

EXHIBIT No. 77

Conversation with Herb Kalmbach—April 19, 1973, 4:50 p.m.

E Ehrlichman

K Kalmbach.

E Hi, how are you?

K I'm pretty good. I'm scheduled for 2 tomorrow afternoon.

E Where—at the jury or the U.S. Attorney?

K At the jury and I'm scheduled at 5:30 this afternoon with Silver.

E Oh, are you?

K Yeah. I just wanted to run through quickly several things, John, in line with our conversation. I got in here last night and there was a telephone call from O'Brien. I returned it, went over there today and he said the reason for the call is LaRue has told him to ask him to call me to say that he had to identify me in connection with this and he wanted me to know that and so on.

E Did he tell you about Deau?

K Nope.

E Well Dean has totally cooperated with the U.S. Attorney in the hopes of getting immunity. Now what he says or how he says nobody seems to be able to divine but he

K The whole enchilada?

E He's throwing off on Bob and me heavily.

K He is?

E Yep.

K He is.

E And taking the position that he was a mere agent. Now on your episode he told me before he left, so to speak, he, Dean, told me that really my transaction with him involving you was virtually my only area of liability in this thing and I said, well, John, what in the world are you talking about? He said, well I came to you from Mitchell and I said Mitchell needs money could we call Herb Kalmbach and ask him to raise some. And I said, and Dean says to me, and you said yes. And I said yep, that's right. And he said well that does it. And I said well that's hard for me to believe, I don't understand the law but I don't think Herb entered into this with any guilty intent and I certain didn't and so I said I just find that hard to imagine. Now since then I've retained counsel.

K Oh, you have?

E Very good and who agrees with me that it is the remotest kind of nonsense but the point that I think has to be clarified, that I'm going to clarify if I get a chance, is that the reason that Dean had to come to me and to Bob where you were concerned is that we had promised you that you would not be run pillar to post by Maurice Stans.

K And also that you knew I was your friend and you knew I was the President's attorney

E Sure

K Never do anything improper, illegal, unethical or whatever.

E Right.

K And

E But the point is that rather than Mitchell calling you direct Mitchell knew darn well that you were no longer available.

K Yep

E Now this was post April 6, was it not?

K Yep, April 7.

E So that Mitchel and Stans both knew that there wasn't any point in calling you direct because we had gotten you out of that on the pretext that you were going to do things for us.

K That's right.

E And so it was necessary for Dean to come to me and then in turn to Bob and plead a very urgent case without really getting into any specifics except to say you had to trust me, this is very important, and Mitchell is up his tree or, you know, I mean is really worried; he didn't use that phrase, but he is really exercised about this. And I said well, John, if you tell me it's that important, why yes.

2216

- K You know, when you and I talked and it was after John had given me that word, and I came in to ask you, John is this an assignment I have to take on? You said, yes it is period and move forward. Then that was all that I needed to be assured that I wasn't putting my family in jeopardy.
- E Sure.
- K And I would just understand that you and I are absolutely together on that.
- E No question about it, Herb, that I would never knowingly have put you in any kind of a spot.
- K Yeah. Well and when we talked you knew what I was about to do, you know, to go out and get the dough for this purpose; it was humanitarian.
- E It was a defense fund.
- K . . . to support the family. Now the thing that was disquieting about this thing with O'Brien was that he said that there is a massive campaign evidently under way to indict all the lawyers including you, Herb, and I was a little shocked and I guess what I need to get from you, John, is assurance that this is not true.
- E Well I don't know of any attempt to target you at all. My hunch is that they're trying to get at me, they're trying to corroborate. See what they said to Dean is that he gets no consideration from them unless they can corroborate Haldeman and my liability.
- K God, if I can just make it plain that it was humanitarian and nothing else.
- E Yeah, and the point that I undoubtedly never expressed to you that I continually operated on the basis of Dean's representations to me.
- K Yep. It was not improper.
- E Right.
- K And there was nothing illegal about it.
- E See, he's the house lawyer.
- K Yep, exactly and I just couldn't believe that you and Bob and the President just too good friends to ever put me in the position where I'd be putting my family on the line.
- K And it's just unbelievable, unthinkable. Now shall I just—I'll just if I'm asked by Silver I'll just lay it out just exactly that way.
- E Yeah, I wouldn't haul the President into it if you can help it.
- K Oh, no, I will not.
- E But I think the point that which I will make in the future if I'm given the chance that you were not under our control in any sort of a slavery sense but that we had agreed that you would not be at the beck and call of the committee.
- K And, of course, too, that I act only on orders and, you know, on direction and if this is something that you felt sufficiently important and that you were assured it was altogether proper, then I would take it on because I always do it and always have. And you and Bob and the President know that.
- E Yeah, well, as far as propriety is concerned I think we both were relying entirely on Dean.
- K Yep.
- E I made no independent judgment.
- K Yep. Yep.
- E And I'm sure Bob didn't either.
- K Nope and I'm just, I just have the feeling, John, that I don't know if this is a weak reed, is it?
- E Who, Dean?
- K No, I mean are they still going to say well Herb you should have known.
- E I don't know how you could've. You didn't make any inquiries.
- K Never. And the only inquiries I made, John, was to you after I talked to John Dean.
- E And you found that I didn't know just a whole helluva lot.
- K You said this is something I have to do and—
- E Yeah, and the reason that I said that, as you know, was not from any personal inquiry but was on the basis of what had been represented to me.
- K Yeah, and then on—to provide the defense fund and to take care of the families of these fellas who were then
- E Indigent
- K Not then been found guilty or not guilty

2217

E And the point being here without attempting to induce them to do a damn thing.

K Absolutely not and that was never, that was exactly right.

E OK.

K Now, can I get into see you tomorrow before I go in there at 2?

E If you want to. They'll ask you.

K Will they?

E Yep.

K Well, maybe I shouldn't.

E They'll ask you to whom you've spoken about your testimony and I would appreciate it if you would say you've talked to me in California because at that time I was investigating this thing for the President.

K And not now?

E Well, I wouldn't ask you to lie.

K No, I know.

E But the point is

K But the testimony was in California

E The point is. Well, no your recollection of facts and so forth.

K Yes, I agree.

E See, I don't think we were ever seen together out there but at some point I'm going to have to say that I talked to O'Brien and Dean and Magruder and Mitchell and you and a whole lot of people about this case.

K Yeah

E And so it would be consistent.

K Do you feel, John, that calling it straight shot here, do you feel assured as you did when we were out there that there's no culpability here?

E Yes.

K And nothing to worry about?

E And Herb from everything I hear they're not after you.

K Yes, sir.

E From everything I hear

K Barbarn, you know

E They're out to get me and they're out to get Bob.

K My god. Alright, well, John, it'll be absolutely clear that there was nothing looking towards any cover-up or anything. It was strictly for the humanitarian and I just want, when I talked to you I just want you to advise me that it was alright on that basis.

E On that basis.

K To go forward

E That it was necessary

K And that'll be precisely the way it is.

E Yeah, OK.

Thanks, Herb. Bye

seeking immunity and that he, Dean, had sworn off on Bob Haldeman and John Ehrlichman, didn't he?

Mr. KALMBACH. I think that is substantially what I remember.

Senator ERVIN. And didn't he suggest that you testify as far as you could so as to implicate Dean and exonerate Haldeman and Ehrlichman?

Mr. KALMBACH. I did not so understand it, Mr. Chairman. I understood him to say to tell the complete truth.

Senator ERVIN. Well, let's see. Didn't he tell you, among other things—didn't he say this: "I wouldn't haul the President into it if I could help it."

Didn't Ehrlichman ask you that?

Mr. KALMBACH. Excuse me, Senator, may I read this, please?

Senator ERVIN. The top of page 4.

Senator WEICKER. Mr. Chairman, in fairness, wouldn't it be proper to give the witness a few minutes to read the entire document that has been presented to him? Apparently, it is the first time he has seen it.

Mr. KALMBACH. It is.

Thank you very much.

Senator BAKER. Mr. Chairman, I would also like to say that it is my understanding—I missed it in your inquiry—that what you are reading from is a question and answer telephone conversation transcript, which was apparently recorded and submitted to us by Mr. Ehrlichman in the course of his interview. And also in fairness, as Senator Weicker said, to the record, I wonder if we might have the entire document included in the record so that it will be available for ready reference.

Mr. O'CONNOR. May I say this, Mr. Chairman?

Consistent with the fact that as of March 15, when Mr. Kalmbach and I first declared that we would cooperate with this committee and have done so up until this time, I believe it was upon our advice that Mr. Dash and Mr. Lenzner became aware of this very tape. We have not, however, as yet, read it and we would appreciate that opportunity.

Senator ERVIN. I was under the impression, and I am sorry if my impression was wrong, that Mr. Kalmbach had a copy of this. Certainly, I don't want to be unfair to anybody and I certainly would accord him an opportunity to read it.

Mr. KALMBACH. Thank you.

Senator BAKER. Mr. Chairman. I wonder if there is any objection on the behalf of the committee or the witness to including this as an exhibit in the record?

Senator ERVIN. None.

Senator BAKER. May I ask unanimous consent that it be included as an exhibit in this record, appropriately numbered.

Senator ERVIN. That will be done and it will be numbered as an exhibit and included in the record as such.

[The document referred to was marked exhibit No. 77.*]

Mr. KALMBACH. Yes, sir.

Senator ERVIN. In this telephone conversation which was taped by John Ehrlichman, is it not recorded that John Ehrlichman told you, and I refer to page 3, that they, that is, the prosecuting attorneys, were trying to get at him, that is John Ehrlichman, and that they would

*See p. 2215.

give Dean no consideration unless they can corroborate Haldeman and Ehrlichman's liability. In other words, did he not tell you in substance that the prosecuting attorneys were trying to get at him, John Ehrlichman?

Mr. KALMBACH. He indicated here and, incidentally, Mr. Chairman, I cannot again tell you or the members of this committee my reaction of the time that I learned I had been taped without my knowledge or consent. I just cannot express the feelings at that time. But I am sure you understand.

Senator ERVIN. Well, did he not state that to you at that time?

Mr. KALMBACH. He stated as per the testimony; yes, sir.

Senator ERVIN. Yes; and he stated that there was no chance for Dean to get immunity unless Dean could substantiate some liability in the matter on the part of Haldeman and Ehrlichman?

Mr. KALMBACH. Again, per this testimony, Mr. Chairman.

Senator ERVIN. I call your attention to the statement made by Ehrlichman at the bottom of page 2: "And so it was necessary for Dean to come to me," that is, Ehrlichman, "and then in turn to Bob and plead a very urgent case without really getting into any specifics except to say you had to trust me, this is very important, and Mitchell is up his tree, or you know, I mean is really worked up, he did not use that phrase, but is really exercised about this. And I said well, John, if you tell me it is that important, why, yes." Now, was not Ehrlichman thereby saying that John Dean had come to him and Bob Haldeman with this plan to use this money and pay it to the defendants and their families, and that he said to Dean: "If that is important, he asked for him to go ahead with the project"?

Mr. KALMBACH. That is the way I would read this.

Senator ERVIN. Yes; and then you said back to John Ehrlichman, "You know, when you and I talked and it was after John had given me that word, and I came in to ask you, 'John, is this an assignment I have to take on?' You said, 'Yes, it is—period—and move forward.' Then, that was all that I needed to be assured, that I was not putting my family in jeopardy."

And Ehrlichman said, "Sure."

Mr. KALMBACH. That is correct.

Senator ERVIN. Then, you said, "And I would just understand that you and I are absolutely together on that," meaning you both agreed on that point.

Mr. KALMBACH. That is what he had told me in the office; yes, sir.

Senator ERVIN. Now, this conversation indicates an agreement on your part to testify that the use of this money was for humanitarian purposes.

Mr. KALMBACH. No, sir.

Senator ERVIN. Well, let us see what does this mean.

Ehrlichman said, "Well, I do not know of any attempt to target you at all. My hunch is that they're trying to get at me; they're trying to corroborate. See what they said to Dean is he gets no consideration from them unless they can corroborate Haldeman and my liability." And you stated, "God, if I can just make it plain that it was humanitarian and nothing else."

Mr. KALMBACH. That is exactly what I understood at the time.

Senator ERVIN. Yes.

83. On April 22, 1973, Easter Sunday, the President telephoned John Dean from Key Biscayne, Florida. Dean has testified that the President called to wish him a happy holiday.

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83.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
JOHN DEAN, APRIL 22, 1973

April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's
EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President
initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President
initiated the call.)

April 22, 1973

101530

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

WPH

the million dollar conversation and the fact that he had talked to Colson about clemency for Hunt. I do not in fact know if such a tape exists but if it does exist and has not been tampered with and is a complete transcript of the entire conversation that took place in the President's office, I think that this committee should have that tape because I believe that it would corroborate many of the things that this committee has asked me to testify about.

When the President issued his statement on April 17 in which he was quite obviously trying to affect any discussions I was having with the Government regarding my testimony by inserting the phrase therein regarding "no immunity" and combined with the fact that he had requested that I sign a virtual confession on Monday of that week, I decided that indeed I was being set up and that it was time that I let the word out that I would not be a scapegoat. Accordingly, on April 19, I issued a statement to that effect.

After my statement of April 19, I had virtually no contact with the members of the White House staff. I did have occasion to speak with Mr. Garment however. I recall asking him who had placed the "no immunity" paragraph in the President's statement. Garment said while he did not know for certain, he believed that Ehrlichman had placed it in the draft because it had not been there in the earlier drafts, but was in the draft that emerged from Ehrlichman's consideration when Ehrlichman went over the final statement with the President.

On April 22, Easter Sunday, the President called me to wish me a Happy Easter. It was what they refer to at the White House as a "stroking" call.

On April 30, while out of the city, I had a call from my secretary in which she informed me that the wire services were carrying a story that my resignation had been requested and accepted and that Halde- man and Ehrlichman were also resigning.

Mr. Chairman, this concludes my rather lengthy statement. I apologize again for its length, but I have sought to comply with the committee's request to provide the committee with a broad overview of my knowledge of this matter.

Senator ERVIN. Without objection on the part of any member of the committee, the chairman at this time will admit into evidence all of the exhibits identified by the witness in the course of his testimony except exhibits Nos. 34-5, 34-6, 34-7, and 34-8 whose admissibility will be considered later by the committee.

The committee will stand in recess until 10 o'clock tomorrow morning.

[Whereupon, at 6:05 p.m., the committee recessed to reconvene at 10 a.m., Tuesday, June 26, 1973.]

84. On April 25 and 26, 1973 Presidential aide Stephen Bull delivered a number of tape recordings of Presidential conversations to H. R. Haldeman. At the President's request Haldeman listened to the tape recording of the President's March 21, 1973 morning meeting with John Dean, made notes and reported to the President.

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84.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
H. R. HALDEMAN, APRIL 25 - 26, 1973

H. R. Haldeman

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April 20, 1973

AM	8:15	8:39	President met with Haldeman
	8:39	10:35	President attended Cabinet Meeting. Mr. Haldeman was present.
	11:07	11:23	President met with Haldeman
PM	12:15	12:34	President met with Haldeman and Ehrlichman Kissinger
			12:15 - 12:16

April 22, 1973

AM	9:45	10:16	President placed long distance call to Haldeman
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April 25, 1973

AM	11:06	1:55PM	President met with Haldeman and Ehrlichman
PM	4:35	4:36	President received local call from Haldeman
	4:40	5:35	President met with Haldeman T. Hart
			5:30 - 5:32
	6:57	7:14	President placed local call to Haldeman
	7:46	7:53	President placed local call to Haldeman

April 26, 1973

AM	8:55	10:24	President met with Haldeman
PM	3:52	3:54	President received local call from Haldeman
	3:59	9:03	President met with Haldeman
			Bull 5:45-5:47 & 7:50 - 8:00
			Ehrlichman 5:57 - 7:14
			Ziegler 6:25 - 6:33 & 6:35 - 6:37
	9:57	9:59	President placed local call to Haldeman
	10:02		President received LO NC - WH Switchboard operator conveyed message to President
	10:07	10:09	President placed local call to Haldeman



h o g



84.2 PORTION OF LOG OF ACCESS TO TAPES OF PRESIDENTIAL
CONVERSATIONS MAINTAINED BY THE SECRET SERVICE,
EXHIBIT 7, IN RE GRAND JURY, MISC. 47-73

1. OVAL 3/12/73 #1
2. OVAL 3/12/73 #2
3. OVAL 3/13/73 =
4. OVAL 3/14/73
5. OVAL 3/15/73
6. OVAL 3/16/73
7. OVAL 3/17/73
8. OVAL 3/19/73
9. OVAL 3/20/73 #1
10. OVAL 3/20/73 #2
11. OVAL 3/21/73 -
12. OVAL 3/22/73
13. CD 3/18(1:45PM) 3/19(9:45AM) 73
14. CR 3/9(12:30PM) 3/12(7:50AM) 73
15. CR 3/13(1:PM) 3/30(10:AM) 73
16. EOB 3/9(3:05PM) 3/15(8:10AM)
17. EOB 3/15 - 3/20
18. EOB 3/20 - 3/23
19. EOB 3/20 - 3/28
20. EOB 3/23 - 3/27(5:15PM)
21. WHT 2/28 - 3/22
22. WHT 3/23 - 4/13

1:45PM April 25, 73 out
5:28PM " IN
11:02AM April 26, 73 out
5:05PM May 2, 73 IN
to Stone Bull only

Reb
jul

- 927 -

ultimately to Mr. Bull and I probably contacted him directly.

Q You don't have a clear recollection at all as to whether it was Mr. Bull or someone else

A No - I don't.

Q If it was someone else, could it have been anyone other than Mr. Higby?

A I don't believe so - no.

Q So you asked either Mr. Bull or Mr. Higby to secure some material for you?

A Yes.

Q Now what do you recall asking for?

A My recollection is asking for the March 21 tape.

Q What do you recall saying in substance?

A "Get me the tape for the President's meeting on March 21st with John Dean.

Q Now -

A Now let me say that that sounds like a direct quote - I don't mean it to so sound. You asked me if I recall saying -- I have no ability to tell you precisely what my words were.

Q In substance - the question was in substance what you said -- now from whom did you receive the material?

A I think I received it directly from Mr. Bull.

Q Do you recall having a conversation with Mr. Bull

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A Yes - I would have no quarrel with that.

Q Now when was the next conversation that you had about listening to tapes?

A I am not sure but during the discussion with the President on the 25th of April, as the established date, which I am willing to accept - that it probably is --

Q Are you discussing now the first conversation or the one after listening to the tape?

A No -- one after.

Q -- or the one after?

A After listening to the tape, when I reported on the tape, the content of the tape, to the President, and the question was raised, it was either his suggestion or mine - anyway that the conclusion was that I ought now to listen to the tape again, make an attempt to ascertain the answers to the points of doubt that had come up, and so on, or the ambiguities in my mind as to what the tape said, in particular areas - and at some point subsequent to that meeting I made a request of Mr. Bull -- and I presume again it might have been through Mr. Higby -- to have the tape returned to me with the tape recorder but this time with a tape recorder that had an ear phone or a head set attachment on it so that I could listen through the head set which would enable me to turn the volume up and be able to hear the

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content more efficiently than it was through the speaker system on the original tape machine.

Q Now, I take it that when I asked you a few minutes ago to explain whether there was any conversation with the President after you had reported to him, about listening to other tapes, you excepted from that the question of the March 21 tape?

A That is correct - you said other tapes.

Q Right - I did. Do you recall having any conversation with Mr. Bull the following day, April 26th?

A I have already indicated to you that at some point subsequent to my discussion with the President, following my returning of the tape the first time, I asked for the tape back for another review.

That conversation would have been with Mr. Bull. I presume although I have said it might have been through Mr. Higby and I don't know whether that was made on that day - the 25th - or the 26th, or a subsequent date. I can't remember that. I am not sure.

Q Now, by this time of course, you had isolated which tape it was that you were interested in -- and that was on one reel, I assume?

A The March 21st tape? Right.

Q It was on one reel of tape - it did not continue

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over to another one?

AK That is my recollection. It was all on one reel and it was only part of that reel.

Q And it had some writing on the back of the reel or on the box?

A The box was identified as March 21, 00, as I recall.

Q And you made a request of Mr. Bull for the March 21 00 tape because you wanted to listen to it again - either Mr. Bull or Mr. Higby?

A That is correct -- now again I have to establish that I am not clear as to whether I asked for that tape or for the tapes that I had been given earlier - the same group of tapes.

Q Because he brought all 22 tapes back again - is that not so?

A It probably is.

Q Well do you recall receiving one tape or 22 tapes?

A No - a group of tapes. A group of tapes - I can't confirm 22, but there was more than one.

Q Who gave you or who brought you that group of tapes that you received?

A To the best of my recollection it was Mr. Bull.

Q And did you have some conversation with Mr. Bull

BY MR. PARKER:

Q Is that correct, Mr. Bull?

THE COURT: That is what he said.

THE WITNESS: I said approximately April 22nd, sir.

BY MR. PARKER:

Q I think the pending question was whether Mr. Haldeman gave you a list of tapes or spoke to you orally?

A Mr. Haldeman in some way communicated the tapes that he wanted. However, I do not recall whether he gave it to me verbally, and I wrote it down, or he gave me a list.

Q And then you spoke to Mr. Sims or Mr. Zumwalt?

A Yes.

Q And did you actually obtain the tapes requested by Mr. Haldeman?

A Yes, I did speak to one of those two, and I did obtain tapes, although I do not recall whether I obtained all of the tapes that were requested.

Q And did you furnish the tapes that you obtained to Mr. Haldeman?

A Yes, I did.

Q And did you receive them back from Mr. Haldeman?

A As I recall, I did.

Q And do you know whether you received back from Mr. Haldeman all of the tapes that you gave him?

A As I recall, I did.

Q And did you then return them to the Secret Service, sir?

A Yes, sir. Either I returned -- I probably asked them to pick them up.

Q Do you recall the period of time that Mr. Haldeman had the tapes?

A As I recall, it was approximately one day.

Q Mr. Bull, let me show you Exhibit 7 that has been placed in evidence, which is a log maintained by the Secret Service that indicates certain tapes being checked out on the 25th of April and returned on the 25th of April, and others, or at least a notation that tapes were apparently checked out on the 26th of April and returned on the 2nd of May, and let me ask you if that refreshes your recollection as to the obtaining of tapes and the returning of them?

MR. BEN-VENISTE: Your Honor, I was not aware the witness had indicated his recollection needed refreshing.

THE COURT: Well, let us find out. Can you testify without referring to Exhibit 7?

THE WITNESS: No, sir, I have never seen this item before.

THE COURT: Very well.

MR. PARKER: Well, let me rephrase the question.

THE COURT: Suppose you exhaust your own recollection first before looking at the exhibit. You might ask him about his

Administration of Richard Nixon

PRESIDENTIAL DOCUMENTS

Week Ending Saturday, November 17, 1973

Presidential Tapes and Documents

*Statement by the President Outlining Procedures
To Provide Information Related to the Watergate
Investigation to the Chief Judge of the United States
District Court for the District of Columbia.
November 12, 1973*

As a consequence of the public disclosure, 2 weeks ago, that two conversations of the President were not recorded on the White House recording system, doubts have arisen about just what happened to these conversations and why they were not recorded. The purpose of this statement is to help dispel those doubts and to spell out certain steps I will take to offer information to the court that will help determine the substance of all nine conversations subpoenaed by the court.

First, there are no missing tapes. There are two conversations requested by the courts which were not recorded. The first is a 4-minute conversation with the former Attorney General, John Mitchell, on June 20, 1972. The second is a meeting of 55 minutes with John Dean, late in the evening of Sunday, April 15, 1973.

There is no question in my mind but that the open-court hearing, now being conducted, will demonstrate to the court's satisfaction the truth of our statements that these two conversations were never recorded. In fact there is no affirmative evidence to the contrary. I believe that when the court concludes its evaluation of the testimony and documentary evidence, public doubt on this issue will be completely and satisfactorily removed.

In the meantime, I believe it important to make a statement about this proceeding so that misconceptions about this matter do not persist, simply because certain basic facts are not presented to the American public.

First, the Senate Select Committee did not subpoena the substance of the two unrecorded conversations. That

material was requested only by the Special Prosecutor and the court, who believed the substance of nine presidential conversations was necessary for completion of the Watergate investigation.

We are complying fully with the Federal court decision. In seven of nine instances, the actual recording of the conversation is being submitted; this includes five conversations in which John Dean participated—September 15, 1972, March 13, 1973, two on March 21, 1973, and one on March 22, 1973. For all nine conversations covered by the subpoena, such contemporaneous notes and memoranda as were made of the conversations are being provided in accordance with the court order.

Before discussing these matters, the issue of when and why the recorded conversations were listened to by me and by others on my behalf, should be placed in chronological perspective.

On June 4, 1973, I listened to the tape recordings of a number of conversations I had with John Dean in order to refresh my memory of those discussions. All of the conversations to which I listened that day had taken place prior to March 21, 1973. My purpose in reviewing the recordings of my conversations with Mr. Dean was to confirm my recollection that he had not reported certain facts to me prior to March 21, 1973. In late April 1973, I asked H. R. Haldeman to listen and report on the conversation of March 21, 1973, in which he had been present for a substantial portion of time. My primary purpose in having Mr. Haldeman listen to this tape was to confirm my recollection that March 21, 1973, was the date on which John Dean had first reported certain facts to me.

There had been rumors and reports to the contrary—one of them suggesting that John Dean and I had met 30 or 40 times to discuss Watergate—and I wanted to refresh my recollection as to what was the precise and entire truth.

On September 29, 1973, I began a review of the tape recordings subpoenaed by the Special Prosecutor for the grand jury and by the Senate Select Committee. The reason was it had been my deliberate intention to litigate

1 Q Do you recall having a conversation with Mr. Higby
2 in the early part of April concerning your being furnished
3 with a particular tape?

4 A I don't recall such, no.

5 Q You would recall that if it happened, would you not?

6 A I would think so, but I have no recollection of it.

7 MR. BEN-VENISTE: I believe we have a communication
8 from Mr. Haldeman's attorney that he has an answer to the
9 question about the logs. May Mr. Haldeman be excused to con-
10 fer with counsel?

11 THE FOREMAN: You may go and consult with counsel.

12 (Whereupon, the witness left
13 the Grand Jury room to confer
14 with counsel.)

15 (Whereupon, the witness re-
16 entered the Grand Jury room.)

17 BY MR. BEN-VENISTE:

18 Q Mr. Haldeman, to restate what occurred outside, that
19 was merely a suggestion by Mr. Strickler that he go back to
20 his office to attempt to find the records we have inquired
21 about. Is that correct?

22 A That's correct.

23 Q Now we were discussing the date of your first listen-
24 ing to a White House tape, or having one in your possession,
25 and I was asking you whether it was not a fact that one was --
one or more were supplied to you through Mr. Higby. Now I

DV

1 have added that "through Mr. Higby", prior to the time that
2 you received a large number of tapes on or about April 25th.

3 A That is not my belief or recollection, no.

4 Q It is your testimony that the first time you ever
5 had a tape or tapes in your possession was the occasion some-
6 time in late April, around the 25th, when you received a large
7 number of tapes all at one time?

8 A Yes. I have no recollection of any -- the only
9 reason I'm hesitating is I am trying to be sure because, as I
10 am not sure of dates, I don't have a log on dates and a fix
11 on dates, but as we have reconstructed and did in Judge Sirica's
12 Court, the date, the April 25th date, would seem to me to be
13 the time that I listened to the tape for the first time. That
14 was the first time I had a tape.

15 Q Now on that occasion that you received, among other
16 things the April 21st tape --

17 A March 21st.

18 Q I'm sorry, March 21st tape, can you recall how it
19 was that you received a large number of other tapes?

20 A No. We have gone through this before and I --

21 Q Well, not before this Grand Jury.

22 A Oh, I thought we had when I was in here. I'm sorry.
23 I don't -- the only basis would be that I had asked for or
24 the request had been made for the tapes covering a number of
25 conversations. The intent, as I recall it, was to listen to

DV

1 the March 21st one.

2 It may well have been that there was an intent or
3 a contingent intention to listen to others. I don't recall
4 that, but I do recall there being a number of tapes delivered
5 at the time that I first received the tapes.

6 Q Did Mr. Higby play some role in furnishing these
7 tapes to you?

8 A I'm not sure. As I have testified before, it is
9 possible and not at all unlikely that in requesting the tapes,
10 I asked Mr. Higby to get them for me, to contact Mr. Bull, who
11 was I guess at that time the contact point or the custodian
12 of the taping system, or that I called Mr. Bull direct. I am
13 not sure which. I could have done it either way. It would
14 have been a very normal procedure either way.

15 Q Now you don't recall the circumstances with any
16 particularity as to why it was you were furnished with a large
17 number of tapes. If the number twenty-two is something about
18 which you cannot testify with some clarity, I will state to
19 you for the record that this is the number that is indicated
20 was removed at the time.

21 I think you have testified that it was a large number
22 of tapes, certainly more than a dozen, I think your testimony
23 was.

24 A I'm not sure that it was put that way, but I think
25 in Judge Sirica's Court questioning, I said that I had no basis

DV

1 and no reason to question the logs that I think you had, or
2 the listing of the tapes that had been checked out at that
3 time, and I would so testify today that I have no basis for
4 questioning that list of tapes made or the number of tapes.

5 I can't confirm that that's it, but I have no reason
6 to question it.

7 Q Going back to the date that you received them, do
8 you recall being surprised at the number of tapes that were
9 furnished to you?

10 A No, I don't.

11 Q So that on the basis of that you would think that it
12 was within your contemplation at the time that you were to
13 receive a number of tapes?

14 A That I can accept as a conclusion. I don't have a
15 recollection of having expected a number, but I also have no
16 recollection of being surprised at the number.

17 Q Now what did you do after you received the tapes and
18 the tape recorder that was furnished along with them?

19 A I listened to the March 21st tape.

20 Q Where did you do that?

21 A In a small annex office off the reception room to
22 my office.

23 Q For how long did you listen to that conversation?

24 A I'm not sure. I think my log gives some indication
25 as to that. I don't remember what it was, but it was long

DV

1 enough to go through it and make notes on the tape.

2 Q What did you listen to for March 21st?

3 A I listened to the recording of the meeting between
4 the President and Mr. Dean at which I was present for the
5 latter portion of it.

6 Q Did you listen to the portion of the conversation
7 during which Mr. Dean was present with the President only?

8 A I think so, yes. It is my recollection that I
9 started at the beginning of the President's meeting with Mr.
10 Dean.

11 Q And you listened through to the end of it?

12 A That would be my best recollection, yes. I think I
13 did.

14 Q Did you listen to some portions more than once?

15 A Yes, in the sense of not being able to discern what
16 was said, and going back in a short jump and listening to a
17 replay of a segment or something that was said that I didn't
18 understand or didn't hear.

19 Q Did you take notes?

20 A Yes.

21 Q Did you listen to any other conversation aside from
22 the one you described on that date?

23 A No.

24 Q What did you do after you finished listening to the
25 March 21 tape?

DV

1 A I believe -- and I don't know that I went directly,
2 but I think I did -- that I went to the President's office.
3 My recollection is that it was the EOB office. I gave him
4 a rundown on the content of the tape.

5 Q Did you physically give your notes to him on the
6 content of the tape?

7 A No, I didn't. I'm almost sure I didn't.

8 Q Did you use your notes in making this report to the
9 President?

10 A Yes, I'm sure I did.

11 Q Do you recall what you said to the President in
12 substance and what he said to you?

13 A No, except that I tried to review for him the content
14 of the tapes and answer questions that he had regarding specific
15 points in the conversation that I heard on the tape.

16 Q What questions did the President ask you?

17 A There were a number of them. We had had some dis-
18 cussion at this point or at an earlier session. I am not sure.

19 Q What is your best recollection?

20 A My recollection is that there was discussion back
21 and forth on a number of the points that were discussed within
22 the tape as to what specifically was said and what the tape
23 indicated.

24 My listening to the tape was under difficult circum-
25 stances, and I am not sure that I was able to answer all of

DV

1 the questions that were raised. There was discussion of
2 specific points.

3 Q Well, what do you recall?

4 A I don't have any recollection of specifics. We talk-
5 ed about this before here and you asked, as I recall, the same
6 kind of questions and I had the same problem.

7 I volunteered then and I can now to going back and
8 trying to reconstruct point by point, and I can work from the
9 notes to do that, and do it maybe more accurately.

10 Q You think you are able to discuss what questions the
11 President asked you and what your responses were by reviewing
12 your notes?

13 A I'm not sure that I could.

14 Q Let me ask you specifically whether the President
15 asked you if Mr. Hunt was paid his money?

16 A I don't believe so.

17 Q You don't believe so?

18 A I don't believe so, no.

19 Q Do you recall having a conversation with the
20 President about whether the payment of money to Hunt constituted
21 an unlawful act in substance?

22 A There was discussion of that at various times subse-
23 quent to March 21st. I can't put a fix on what was discussed
24 by whom at what time.

25 Q Let's have your narration of what you do recall, and

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256 Mar 21 Oval

D in

E caught me why Gray w/hldg - instr frm us?
we sd no further data - but he made dec. on his ow
won't review anything w/ us
disc of Gray strategy - re FBI files - Ervin etc.

any further word on Sullivan? he's going to be over to see me
want to see what he has

D reason for this AM - you don't know what I know
so diff to make judgmts
overall - no dbt re seriousness - cancer close to Pdcy
growing daily, compounds itself -
being blkmlld, people wl start perjury to protect others
no assurance it won't bust

267 Wtgte

std w/ instr to me from H to set up legit intell op.
I turned to Caulfield cause not fam. w/ this
told him come up w/ plan.
consensus was Caulfield not man to do this
after rejected - I was told 1701 - came up w/ Liddy
had done extremely sens. thgs at WH
ie Ellsbergs Dr's office etc
Krogh sd gd man + gd lawyer

000001

so Mag sd to M WH is pushing us
so M sd go ahead - not knowing plan
had lot of diff targets

284 info did come to Str & to H - no doubt about

Str knew what it was - H may not have

D - "I've never pushed them on this cause hurts
to give extra inch.

H even gave instr to chg capab. from Musk to McG
& L decided to bug McG
never bugged McG -
info was coming over here

next time I aware - Jun 17 - brkin.

put pieces together

ask'd L - anyone in WH - L sd no

how happened - L pushed by Mag

Mag sd WH not happy w/ what getting

D thks it was Str saying H not happy

P - cant see why doing it

D - probing info re Convs

Mag is totally knowled g bl on whole thing

don't know how much knowledge M had

292 Mag did perjure self

they ran test. by me - D said don't know -

if that's yr. stry - fine

000002

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took him to mt M - M had sent him to WH for Krogh
told L. devel plan - after hired at CRP
Mag called D to mtg at M's re L's plan
L laid out mill \$ plan - incredible
blackbag, kidnap, prostit, bugging, mugging
M sat puffing + laughing - agrees incrid
2nd mtg - D in at tail end - same kind of stuff
D sd these are not things to disc in off of AG
(trying to get M off hook)
told them to pack up & get out - rcexam
Mag - M - L & D
came back & told H - growing disaster - WH out
H agreed
D thot t'd off - last he heard of it
had dlgs w/ L after - never tlkd about it.

D puts pieces together
L came up w/ another plan apparently
didn't get it approved
so L & Hunt saw Cols - Cols tld Mag - fish or cut bait
if you dont use them I will - apptly Feb
D assumes Cols knew what tlkg about
problly deny & get away w/ it
Cols helped to get it off dime

P - thks H assumed they had a proper op
& thru Str started pushing them for info

000003

Mag did know & spec. instrd to go into DNC

294 I honestly bel no one over here knew
Bob I don't blv specifically knew
Str did know
Bob knew there was a capacity

297 Post Jun 17
I was under clr instr not to invest
worked on theory of cntmnt
totally aware FBI & CJ - & had to
Peterson's a soldier - kept me informed
blvs in you & this Admin
made sure invest. narrowed - nothing improper
ran out to fullest extent

P - why didn't call H - D - no reason to call him
Str appeared - as result of coaching - to be dumbest

302 L deal w/ Kldst at Bng Tree CC

they std making demands - attys fees
yr asking us to take this thru elect
so arrgmnts made thru M - I was present
they had to be taken care of - fees done
Klmb raised cash -
some to Hunts lawyer - his wife was taking \$ to Cubans

000004

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306 Bob is inv E is I am M is
& its obstr of justice

P - how H inv -

D - ran out of \$ - 350 in safe - polling
so they came here - I went to H

H sd what for - I told him

decided no price too high to pay to blow before elect.

now wl be cont. blkmail by Hunt L. McC
Cols had tlkd indir to Hunt re commutation

don't thk Sen can find this - all cash

311 the blml is cont

Hunt called Lawyer O'B at CRP Fri - lawyer to me

H dmdg 72 personal 50 atty fees

by close bus yest - affairs in order - sentence Fri

D sd you came to wrong man - I'm not inv. in \$

don't know thing about it - cant help you

O'B grt ball player - safe - no prob

Hunt made dir thrt agst E - blkmail

I wl bring E to his knees - put him in jail

Ellsberg & other things - I don't know extent

000005

314 Where are soft pts - how many people know?

Cubans were same H & L used in Calif brkin

H & L fully aware it was right out of WH

P - Why - D - I don't know

Cpl thgs here I've gotten wind of

one time 2nd story job on Brookings

was told E instrd it - ckd, he said turn it [unreadable]

& I did - not worth it

Who knows

Cubans lawyer - Rothblatt - no good SOB

F Lee Bailey - came in to cool Rothblatt down

Bittman

O'B + Park - they're solid, but they know

all principals - some wives - Mrs Hunt whole pic

320 P. pt someone did raise Hunt commutation

that's extent of knowledge

soft spots

1 - contg. blkmail - not just now, when in prison etc.

& wl compound obstr justice & cost \$

people here aren't pros - don't know how to do this

P - may be we can't

D - that's right - plus prob raising \$

000006

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324 M is working on \$
no denying H - E - I involvd in early \$ raising
P - how much \$ D - Mill dollars over next few yrs.
P - you need the money we can get the money
we can get in cash - I know where can be gotten
but q is who can hdl it D thats right
D - M shld be chrgd w/ that & gt pros to help him
he has LaR getting it D told him that's awful
tlkd to Pappas P - I know
Pappas agreed to help

328 P thkg out loud here - wld you put it thru Cuban Com
D - no
P - some wl be cash is Cuban an obstr just
wld that give it a cover?
D - some for Cubans & Hunt - Then have L - McC doesn't want \$
McC's not a bought man right now

growing cancer i c

- 1) Krogh perjured before GJ - haunted by it
says I haven't had a pleasant day on my job
told wife cause curtain may ring down
perjured re did he know the Cubans?
sd he didn't
- 2) M & Mag potential perjurers
- 3) poss of any individl blowing

000007

L strongest of all

P - yr major one to control is Hunt cause knows so much
D - right he cld sink Cols.
thks Cols abandoned him - no \$
P - looking at imm prob - don't you have to hdl
H's finan sit
D - I tlkd M re that last nite
334 P - got to keep the cap on the bottle that much
D - That's right
P - either that or let it all blow right now
D - that's the q.

937 Klmbach - at Jan 69 had \$1,7 mill to keep
in boxes ult to Calif. knowledge of this
spent a good deal since 69 - hard to acct for
ic 500 th for priv. polling - nothing wrong
sent 400 th to South for another cand (Wallace)
mentnd Tony - who did Chapp study
P - I heard about that
nothing illegal - but explosive
don't know anything illegal - except won't blow whistle
ic they'll ask him re Segretti
where get cash etc
P - how wld you hdl that -
D - doesnt bother me - not crim
just polit embarrassing

000008

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other vuls -

- runaway GJ in NY - M & Stans
wl try to drive E into that
Don N Jr etc
E may have to appear at that GJ - no priv.

that's the overall pic

re Seg - H did authorize - ck

potential felony chg v. C

has to disprove his control of Seg

use of stats re interfere w/ campaign

P - not too concerned - prob on PR side

D - real prob is growing sit - support for Wgte

& need for some to perjure

if this ever blows & we're in a cover up sit

extremely damaging to you

ie if starts brkg & they find crim cases agst H, D, M, E

P - coming down to that fact we cannot take the heat

we have to share it a little

D - thats right H & E & M & I shld sit down

spend a day or however long to fig out

1 - how carve this away from you so does not dam you

or Pdcy

352

I know frm our convs these are thgs you
have no knowledge of

000009

P - trigger man was Cols on this

D - well he was just in the chain

P

1 - will this brk someday-domino sit

H accused of thgs never heard of.

P wl be hurt most

D - I am not confid we can ride thru this

there are soft spots

everybody looking out for self - criminal

we were able to hold for a long time

my facility hampered by Gray on front page

P - supps you & H & E & M Put out full discl.

D - One way - P tell AG for another GJ

avoid crim liab for many & min for rest

by thkg thru immunity - ie Mag

but some have to go to jail

P - who - lets talk about that

D - I think I wld for one - P - oh hell no

D - can see pcople ptg finger

P - you were doing as counsel - obstr just

could cut it off at the pass

D - thk w/ prop coord. w/ D. Just

Petc only one I know bright enuf to advise us

put together w/ max scp [unreadable] & minimal dam to
individuals

363

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000010

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have faith in him --
re obstr just
D - I've been conduit of info tkg care of people
who were guilty of crimes;
the blkmail

367 P - suppose you got the money & way to hdl it
wld seem to me that wld be worthwhile
have prob Hunt clemency
D - right & the others - may be untenable
not sure you can deliv on clem
P - not before 74 elect for sure
D - may further involve you
P - & its wrong
D - there've been some bad judgments made
& some nec. judgments made before elect
can't burden 2nd Admin w/ something that won't go away
has to be...
who else potential crim.
D - E, conspir to burg Ellsberg
picture was in files - not buried
why phone at WH in secy's name

don't have a plan - but shld thk in terms,
how to cut losses, not further compound

P - but at moment don't you agree better take the
Hunt thing

000011

E & H have met w/ D - never w/ M

H has potential crim liab frankly

indicted - maybe never convicted

P - if they're going to be indicted - better to tough it thru
cut our losses - but if it blows wl never recover
so fight it out - no one testify
realize wkness re blkmail

D - get you up & out & away from it
or hunker down & fight at every turn
& hope we can do it. & take the heat

P - still consid - bef Cab & ldrs etc.
re my invest -
D - if we go that route I can give a show

P - most diff prob are the guys going to jail
& clemency - how long wl they sit.

P - have mtg fast - today - tomorrow
D - H & E don't want to tlk to M
H agrees you shld have facts

000012

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H in somewhere

D - can chg them w/ blkmlg us

P - I tlkd w/ E - so he can get away from this
he reco mtg at earliest time
pushes for mtg H E M
don't want Moore there.
decide - then let me know
tell them exactly what you told me
re obstr etc
then see what the line is
stonewall & take heat?
analyze vul. pts. Hunt

398 Hunt blow whistle

P - pt is all the secys etc know

D tells H for first time re Cols - Mag phonecall

1134 P - Hunt prob is serious cause of Ellsberg
D - put on nat'l sec basis
but why not CIA or FBI

H - cause we were ckg them
D - can probly get by on that
solves Krogh prob - was treason

P must have talk w/ M

000013

P either decide so many crim probs - not pub-
for WH staff

H - q where cut off pt is - poss of L - where ar now
req's continued perjury by Mag

P - & req's total control over all defdts

D - Hunts playing hard ball -w/ re E etc.

H - what w/? \$ (obviously first I knew)

418 P - 120 th - easy to get - not easy to deliver
Try to cut losses - won't work - in end bleed to death & look like coverup.
have to look at what they are

avoid crim liab. - Bob, C, Str & M

H - & Mag if you can

P - D says if Mag goes down pulls all w/ him

another way -

cont. to try to fight it

req. 1 mill dollars to take care of defs
that can be arrgd.

but they'd crack after we're gone

best people won't care that much

we can't del. on clemency - Cols promises

1176 D - Hunt tlkg out by Xmas H - this year?

says that's his commtmt from Cols. H - I'd blv it.

- 427 Kldst has control of parole bd & says we can del.

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disc'd parole

P

D - our grtst jeopardy is to pay the blkmall

430 P - we can get the \$ - no prob w/ that
but can't provide the clemency
money can be provided - M can provide way to deliver

H - don't see any way WH or anyone in WH involved in
trying to give up money

D - we're already deeply enuf in that That's the prob

000014

D - when they ran out of Kmbach money cause after the 350 that w/ [unreadable]
& I had to explain what it was for

H - that was sent to LaR where bldg - in pieces

& balance was all ret'd to LaRue - but no recpt.

we cldn't cont. piecemeal giving - wld tell H - he'd get Str to go
up to safe

D - every time asked had to get Str to safe
& take to LaR a forever operation

H - this was loans to be replenished

D - they'll have hell of a time proving it.

P - back to money - the mill \$ ways to get it &
hard place your view is - hell w/ [unreadable] say to them it's all off
that's the way to do it isn't it?

H - only way can live w/ - cause down years
had to get thru Nov 7 - no q.

D - these fellows cld have sold out to Dems.

P - so let it go - they blow whistle - the clean way
is that really yr rec?

D - no - not necessarily the cleanest way
is there way to get our story before GJ - they mv WH
haven't thot that thru

000015

1226 P - E has raised pt of GJ - don't know how you do it
have WH called before it
gives reason not to go to Comm -

puts it in exec session, rules of evid.

disc re GJ procedure & what can do

Hill much worse to deal w/

what do to Ervin Comm - etc

a. of spec. prosec.

D - wld like to have Pete on our side advising us

D - US Atty wll pull all defdts back & immunize them
won't do any good - they'll Stonewall
ex. Hunt - that's Hunts oppty.

P - that's why for immed. thing you've got no choice w/ H w/ the 120
is that right

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D - That's right
wld you agree that
P - if that wld buy time - better damn well get that done
D - I thk he ought to be given some sig. anyway
P - for C's sake get it in a way that -
whose going to talk to him - Colson - he's the one
D - well Cols doesn't have any money - that's the thing
one of real probs - they haven't been able to raise \$
mill in cash is very diff prob
as we've disc before
M has tlk'd to Pappas I called him last -
John asked me to call him last nite after our disc.
& after you'd met w/ John to see where that was

000016

2.

& I said have you tlkd w/ Pappas -
all in code cause MM on phone
did you tlk to the Greek - M Yes I have
is the Greek bearing gifts - M well I want to call
you tomorrow on that
P - well look what is it you need on that
D - it sounds easy - but that's our brkdwn
P - well if you had it - how wld you get it to somebody
D - La R lvs it in mail boxes - someone phones Hunt
we're a bunch of amateurs in that bus.
H - that was the thing we thot M ought to be able to
find somebody to do that sort of thing
none of us know how to
D - have to wash - to Vegas - NYC
lrnd all this after fact
get shape for next time around

H - what about the money we moved back frm here
D - they may have some
H - Kalmbach must have some
D - Kalm doesn't have a cent
H - the 350 was all we saved
we're so square we get caught
P - suggest this -
the GJ thing has appeal - at least we're coop.

000017

3.

D - once we start there's no control
did amazing job keeping on track before
1274 I knew where they were going
P - what happens at GJ
D - depends on what Mag says - chgs his stry

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H - that's the best leverage on Jeh
unless they give him immunity
then have intstg prob.
D - we have control of who they immunize
P - thkg how P looks - we'd be cooperating
that's where shld be done - GJ
then exec priv before Comm
H - do we agree to rls GJ transcripts
D - that's not up to us - up to Court
disc. of GJ route
H - to our interest to get it out

P - other poss
1 - hell w/ it - can't raise \$ - Hunt blow whistle
raises probs - get Mag - poss Cols. - M.
D - starts whole FBI again
might get E -
D - Krogh go down in smoke
Nat Sec won't sell in crim sit.
P - we have no choice on Hunt - eventually wl blow

000018

4.

D - see how we can lay out everything we know to GJ
so if Hunt blows - we've already told it
not incl E deal - cause Hunt go to jail for that
P - don't go into Natl Sec area

P - other thing - have GJ & Com
GJ appeals -- cause P makes the move
that's the place to do it.
can't risk M going
third is just hunker down & fight it

D - that's a high risk
D something wl brk
P wl look like P. is covering up

D- have to look at other alts

P- middle grd of GJ & finally --
or pub stat w/o GJ
disc.
have to move fast if sentence on Fri.

D- AG cld call Sirica & ask delav sent two wks
Kldst has good rapport w/ Sirica

000019

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5.

D - the person I feel we cld use is Pete
awkward - but remove him - to dis. w/ him
spec. assn't here
advise what is obstr - etc.

P - how wld you get him out

D - appeal dir to Pete

P - P call in as spec. couns to WH.
rather than D?

D cld rec. that to P.

(D didn't seem to know Pete planning to lv)

Flw see if Klds & can put off

2 - get M down tomorrow - disc. this

H why not tonight

P - I'll mt w/ grp - or D report to me at end

I shld stay away from M side of this

- good to consid these options

when have right plan

no doubt you were right before election

need new plan now

H - have to turn off erosion - comes to P.

at any cost

1365

disc.

000020

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Mar 21 Over

252 D in

E caught me why they copying - with for us?
we sd no further dist - but he made dis. on his
woud review anything of us
disc. of they strategy - re FBI files - Erwin etc.

any further word re Sullivan? his going to be over here?
want to see what he has

Q reason for this H.R. - you don't know what I know
so diff to make judgments
overall - no alt re discussion - cause don't know
going dirly, compounds itself -
being bl'd, people up what saying to protect others
no assurance it won't burst

267 Wtfe -

sd up with to me from to set up legit initial op.

I turned to (and) had cause not from left this
told him come up w/ plan.

concern was (and) had not mean to do this
after rejected - I was told 1701 - came up w/ history
had done extremely narrow. Stop at 11th

re Ellsbury's R.D. Office etc
Kroph sd got man + got lawyer

000001

EV

284 to keep it to be with it pushing us
no M. it go ahead - not knowing plan
had lot of diff targets
info did come to Sir & to H - no doubt about
Sir knew what it was - it may not have
D - I've never pushed them in their common interest
to give extra info.
H even gave info to my cousin. finished to me
& I decided to buy the
never suggest Mc G -
info was coming over

next time I came - Jan 17 - when
put pieces together
asked L - anyone in WH - L said no
how happened - L probably by Reg
they said with not knowing up what getting
D like it was Sir saying it not happy
P - can't see why doing it
D - only info re lower
May is totally remembered by me on whole they

292 don't know how much really M. had
they did perjure self
they saw test by me - I said contribute -
if that's your story - fine

000000

DV

took him at Mt M - ^{but} sent him to wait for King
told L. devel plan - after lunch at CRD
May called D to mtg. at M's re L's plan
L laid out mtg plan - inevitable
blabbing, bawling, protest, begging, begging
M not paying attention - appeared uninterested
2nd mtg - D in at trial end - same kind of stuff
D sd there are not things to do in 1/2 of it
(trying to get M off hook)
told him to pick up & get out - well
May - M - L + D
came back & told H - growing discontent - L with out
H agreed
D that he off - but he heard of it
had drop up after - never talked about it
D put pieces together
L came up w/ another plan apparently
didn't get it approved
so L + M + D saw who - who did May - just without
if you don't use them I will - apparently for
Dadman who knew what they about
pretty busy & got away w/ it
who helped to get it off down
P.
thks H seemed they had a proper
L then L's should pay for them in exp.

000003

DV

DV

May did know + agree. insisted to go into DNC

294 I honestly bel no one over here knew
Post I don't blv specifically know
Atr did know
Bob knew there was a capacity

294 Post Jan 17
I was under the impt not to move
worked on theory of contempt
Totally against FBI + GJ - I had to
Peterson's a soldier - kept me informed
knew in you + this Admin
made sure went answered - nothing rings open
ran out to prevent contempt
P why didn't call it - D - no reason to call him
Atr appeared - as right of coaching - to be done

302 I deal up Klont at Bay Trees CL

They still making diamonds - at the time
you asking us to take this from check
to arguments made there M - I was present
They had to be taken care of - fed down
Klont arrived with -
some to Klont lawyer - his wife was sitting with him

000004

DV

306 BB is in E is I am in
I its state of justice
P - how it was -
D - ran out of B - 350 in safe - getting
so they came here - I was in it
it was what for - I told him
decided no price too high - is pay to blow up the

now up to court - behind by Hunt L. McC
was had that vision to Hunt re communication

don't the Sen can find this - all cash

311 the blame is on O'B
Hunt called lawyer at CRP Fri - large sum
it was 72 personal 30 atty fees
by close bus fast - affairs in order - situation for
D ad you came to wrong man - I'm not in it
don't know try about it - can't help you
O'B get back player - safer - no job
Hunt made in that agent E - behind
I up try E to his knees - but he is in jail
Elmer - other things - I don't know who

000005

DV

- V

314 Where are soft spots - how many people know?

Quintus were given H&H wind in Calif before

H&H feeling aware it was right out of W.H.

P - Why - D - I don't know

after they knew I've gotten wind of

one time 2nd story got on Crossings

was told E visited it - did, he said ^{from} it

& I did - not worth it

who knows

Cubans lawyer - Peter Blatt - no good SOB

Flee Bailey - came in to cool Peter Blatt down

Bettman

O'B + Park - they're solid, but they know

all principles - some wires - has Hunt whole pic

310 P, pt someone did raise this commitment

that's extent of knowledge

soft spots

1 - contg. blackmail - not just read, when impression etc.

& w/ compound obstruct justice & costs

people have went for - don't know how to say?

P - maybe we can't

D - that's right - plus prob raising it

DV

000006

DV

324 M is working on it
no buying H-E-D involved in early evening
P - how much is it D - \$1111 dollars was not for gas.
P - you need the money we can get the money
we can get in cash - I know where can be gotten
out of is who can tell it D - that's right
D - it should be charged up that right possibly him
he has lost getting it D - that's right that's right
told to Pappas P - I know
Pappas agreed to help

324 P - taking out bond here - what you put it then later
D - no
P - some of the work is later on other jobs
what that give it a cover?
D - some for Wilson + Hunt - Then here L - Mel doesn't
Mel's not a bought man right now ^{was}

growing cancer 1c

1) Keith purchased before 65 - haunted by it
say I haven't had a pleasant day on my job
the wife came out in way run down
purchased it did he know the Cubans?
at he didn't

2) M + K's potential payments
3 pers of any insurance blowing

DV

000007

Listening part of DV

P - you ^{me to} control is that since know as then
D - right - he did with Cole.

That's Cole abandoned him - no #

P - looking at him just - don't you have to tell
He's fine as is

D - I think I'll be that last note

334

P - got to keep the cap on the bottle that much

D - That's right

P - when that or let it all blow right now

D - That's the 5.

Shroeder - at Jan 67 had \$1,700 to keep
in boxes set to suit. knowledge of this
agent a great deal since 67 - had a acct for
10 500 \$ for, over polling - nothing wrong
sent 400 \$ to bank for another acct (Cable)
meted Tony - who did check study
D - I heard about that -

nothing illegal - but expensive

don't know anything illegal - except what they want

10 they'll ask him to register

when get cash etc

P - how will you bill that

D - account with me - not even

not, not interesting

DV

000008

DV

Other vults -

- remaining 65 in NY - He & Stone
of try to drive E into that
from N Jr etc

E may have to appear at that 65 - no, sent

That's the overall pic

re leg - H did authorize - the
potential felony chg v C.

has to stop move his control of leg

use of state re transfer of campaign

P - not too concerned - just on PR side

D - male prob is growing sit - suspect for Wyo
& need for some to figure

if this ever becomes a case in a cover up sit
extremely messy in its form

ie if this body - they find circumst of D, i

P - coming down to this ^{but} we cannot take the heat
we have to share it a little

D - That's right H & E & M & I shall sit down
April 2 day or however long to figure out

1 - how came this away from you so late but anyway
or Policy

352

I know from our conversations that you
have no knowledge of

DV

000000

P - frozen man was Chris on this
D - well he was just in the chair
P
I - and the look on his face - I think it
happened & things were handled
P up to him to react

D - I am not confident we can rely on this
There are a lot of people
everybody looking out for self - criticism
we were able to hold for long time
my faculty, I suppose by being confident

P - suppose you & I have a lot of contact with each other.

D - One way - P told the president to
avoid crisis but for many & then for many
by they then community - is very
but some have to go to jail

P - who - lets talk about this -

D - I think I will go on - P - oh hell no
D - can we people stop going - both parties

P - you want doing as I would
could cut it off at the piece

D - this is the way we could do it - just
Pete on you I know - important to realize us
put together of me - say, I think I would like to

DV

000010

UV

have fresh in line
re date just

D - I've been content of info they came of people
who were guilty of crimes
the blame.

367 P - Suppose you got the wrong & wrong to look at
what you've been told to be wrong to look at
have put that down

D - right & the other - may be untenable
not sure you can rely on them

P - not before 74 clear for sure

D - may further involve you

P - it's wrong

D - There've been some long finger men
& some more people who have been
cut back & some of them of course that's going
has to be ...

who are potential crime

D - E, compare to long Ellsberg
picture was in files - not buried
why phone at WH in script name

don't have a plan - but she's got in terms
how it's done, not further compound

P - but at moment don't you agree in the same time
that thing

DV

C00011

E + K have put up D - in an up to

It has potential with little funding

initiate - maybe some research

P - if they're going to be involved - extra things -
cut our losses - but if it's too up from now
no fight it out - no one - trading
maybe someone in the line

P - get you up to get ready from it
or humbly don't fight it every time
or hope we can do it - + value the best

P. still would - by the way - etc.
in my mind -

D - if we go that route I can give a shot

P. want diff. get on the ground for a while
+ Clements - has lived it that out.

P. have not yet - today - tomorrow

D - H + E don't want to do it
H + E you should have first

DV

000012

at in conversation

DV

D - coming from of listening

P - I liked it - as he caught every part of
the way into it and out there
pieces for me HETM
don't want them there
decide - then let me know
tell them exactly what you told me
restate it
then see what the line is
Stonewall + side last?
analyze rule, pte. about
398 Hunt blackwhite

P - pt is all the sleep-chinest

D tells K of first time he was - was, through

P Hunt, not a serious cause of listening

D - put in what he saw there
but why not in NFL?

1134 K - can we come up there

D - can probably get by on that
solved K's part - was there

P Hunt from listening 1st

DV

000013

P. vulgaris occurs in Mediterranean parts - not found
for West Africa

pt - of when cut-off pt is - poss of L - where now
1 reg's continued digging by me?

P - & registered control over all deposits

0 - Hunt jumping back side - w/ 12 E. sk.

14 - what up? H. (obviously just there)

418 A-120 at - long 13 ft - not empty, 50 - 100

Try to cut losses - work work - find place to live

have to look at what they are ^{3/4} ^{book} ^{cover} ^{up}

avoid criminal liability. - B.P., C, & L & M

H - + nap if you can
 P - Drop if they go down faster
 and up him

Cont. to try to fight for
Maj. I will do this for the cause of life
That can be angel.

But I think I shall write the
best person who can trust

we can't do on chimney - the pressure

1176 D- Hunt for [unclear] [unclear] H- [unclear]
[unclear] [unclear] [unclear]

D - Hunt for rest by leaving
hospitalized but continuing problems. H - this year?
Klaib is worried of future but things we can do

divid partem

p-

D. am jetzt jenseits des Berges

430 P- we can get the # - no prob up that

But don't let it be the money
money can be provided - I can provide money to deliver
H. don't let any way with anyone in with involved in

H. don't see any way it is or anyone in it is involved in

trying to get up money

D- wire already deeply ~~cut~~ ^{cut} - That's the best

DV

C00014

- 1220 P-E has raised pt of BT - don't know how far it
have with area - figure it
give reason not to go to Lamm -
put it in case record, like I said.
disc re BT procedure & what can do
Hell much worse to deal with
what do to Brian Lamm - etc
g. of spec. process.
D - would like to have Pete on our side covering us
D - US Atty w/ pull all airports back & summarize the
writ documents - they're Hirschman
ex. Hunt - that's ^{the} Hunt's sympathy
P - that's why ^{the} you're not a choice of the law
is that right
D - That's right
P - if that's long time - better Lamm will get it
D - I think he ought to begin some day. anyway
P - for Ch's sake get it in a way that -
where going to talk to him - Lamm - Lamm
D - well Lamm doesn't have any money that's the thing
one of real pros - they haven't been able to raise
much in cash in very diff. prob
as we're sure before
M has told to happen I said the fact -
John asked me to call him into office and
to the point of a Ch. Lamm -

DV

C00016

& I want him to be with you -
all in code case. Now on phone
did you talk to the bank - "Yes I have
in the bank being given - well I want to
you tomorrow on that

P - well look whether it you want on that

D - it sounds easy - but that's our brother

P - well if you have it - how would you get it to him?

D - but let it in mail boxes - someone picked them
with a bunch of questions in that line.

H - that was the thing we thought it ought to be able to
find something to do. But sort of thing
more of us know how to

D - where to work - to Vegas - NYC

Crack all this after fact

get more for next time around

by

H - what about the money we moved back for him

D - they may have some

H - Kalmbeck must have some

D - Kalmbeck doesn't have a cent

H - The 350 was all we moved

wire to figure we get enough

P - suggest this -

the BT has applied - it is a wire comp.

DV

00001

3
1274

D - we want to have control
did everything just keeping on track because
I think everything were going

P - what happens at 6:5

D - depends on what kind of step - changes the story

H - that's the best leverage on just

unless they give him immunity

then have to try just

D - we have control of who they interview

P - they know P issues - would be considerably
that's where they'd be done - G-T

then leave prior before Comm

H - do we agree to let G-T transcripts

D - that's not up to us - up is Court
disc. of G-T route

H - to our interest to get it out

P - other side

1 - hell up it can't raise 3 - ^{Hunt} ~~Stor~~ ^{Whitely}
Kissel puts - get bogged down - M.

D - that's what F!!1 again

might get E -

D - keep going down in smoke

Not see would be in criminal

P - we have no choice on Hunt - credibility of those

DV

000018

5.

84.7 H.R. HALDEMAN NOTES OF LISTENING TO
TAPE OF MARCH 21, 1973 MEETING

- D - The person I feel we did use is Phil
Anderson - but remove him - to dis. by him
spec. agent team
advise what is state - etc
- P - how did you get him out
- D - appeal due to state
- P - I call in as spec. agent to W.H.
rather than D?
- D did we. that to A
(D didn't seem to know state, going to be)
you see if kids & can get off
2 - got M down tomorrow - dis. this
H Why not tonight
- P - Oll' not up yet - or D report to me at end
I shall stay away from M side of this
- good to consider these options
when have right plan
no doubt you were right - by the way
need your pen next
- H - have to turn off election - comes to A
certain cost
dis

1365

DV

000020

Q More specifically now, and let's deal with these 22 tapes which were turned over to you according to your records, if I understand them, they were turned over to Mr. Bull at 1:45 p.m. on April 25, 1973 and they were returned at 5:28 on April 25th, 1973?

A Yes.

Q And again they went out on April 26th at 11:00 a.m. and came back at 5:05 p.m. on May 2nd, 1973?

A Yes.

Q Can you recall what Mr. Bull asked you for in selecting these tapes, did he give you a list or give you instructions on what to remove orally?

A It would probably have been an oral request.

Q Is that your recollection?

A Yes. I can never remember him writing down the dates.

Q What do you recall his instructions being?

A I really don't know. I would even have to look at that from the dates involved in the tapes that were signed out that day.

Q Take a look at them (handed to the witness).

A It involves all tapes from March 12, 1973 through May. It would have been a request for some time period covering that time period, in other words.)

Q There are obviously dates which are not included between the 28th of March and the 12th of March, correct?

A I'm sorry?

Q Maybe I misled you.

These are not in chronological order. The first tape appears to be dated 2-28 to 3-22?

A Yes.

Q That is White House Telephone covering that period?

A Yes.

Q Now the last date on there appears to be 3-23, is that correct?

A Yes.

Q Now, knowing those dates, can you tell what your instruction was if you can't recollect it independently?

A I would say a date from and to.

Q Of all conversations?

A Evidently of all conversations.

Q As far as you know there are no tapes which were made during the dates I have indicated which were not included in this list?

A Right.

Q Now, going to the second page there are 26 tapes indicated?

A Yes.

Q And these left all at one time again, is that correct?

A Yes.

Q That was June 4, 1973?

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H. R. HALDEMAN CALENDAR - WEDNESDAY, APRIL 25, 1973

A.M.		P.M.	
7:55	H in	P's EOB O w/E	1:00
8:15	L. Higby		
8:35	Bruce Kehrlf		
8:40	John Ehrlichman John Wilson and Frank Strickler	L. Higby Lunch w/LH	2:15
9:25	Wilson and Strickler in P's Oval O	H to private office	2:45
9:45	Ron Ziegler		
9:55	[Ziegler out]		
10:25	Ron Ziegler		
10:45	John Wilson, Frank Strickler		
10:55	John Ehrlichman		
11:05	President's EOB O w/Ehrlichman	Presidents EOB O	4:45
12:55		Barber	5:15
Evening			
P.M.			
6:45	Departed for home		

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

H. R. HALDEMAN CALENDAR - THURSDAY, APRIL 26, 1973

A.M.		P.M.	
8:00	H in	H rejoined mtg.	1:00
8:15	L. Higby (2)	E departed	1:15
		H lunched	1:30
		w/Wilson & Strickler	
9:00	President's Oval O	John Ehrlichman	2:00
		ret.	
		L. Higby	2:25
		H to Private Office	2:45
10:30	John Wilson and Frank Strickler	President's EOB Office	3:45
11:30	John Ehrlichman		
12:45	H to Private Office		5:45
Evening			
P.M.			
6:00		Presidents EOB	7:30
7:15			8:45

Home

Indistinct document retyped by
House Judiciary Committee staff

Wednesday, April 25

1973							MAY							1973						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
							1	2	3	4	5									
6	7	8	9	10	11	12														
13	14	15	16	17	18	19														
20	21	22	23	24	25	26														
27	28	29	30	31																

155 # in 115		P. 2 EOR O w/ 6	
8:00	A.M.		P.M.
8:15	L. Hinder		
8:30			
8:45			
9:00			
9:15			
9:30			
9:45	Ron Zieker		
10:00			
10:15			
10:30	Ron Zieker		
10:45	John Wilson - Frank Trudler		
11:00	John Trudler		
11:15			
11:30			
11:45			
12:00			
12:15	P.M.		
12:30			
12:45			
1:00			
Evening			
6:00			
6:15			
6:30			
6:45	Started for home		
7:00			
7:15			

116

Clip for Cwiont Day

85. On April 26, 1973 Senator Lowell Weicker, a member of the Senate Select Committee, released to the press information that Patrick Gray had burned politically sensitive files which had been given to him by John Dean from Howard Hunt's White House safe. Petersen has testified that on this date the President telephoned him to ask if Gray ought to resign as Acting FBI Director and that Petersen told the President that he thought Gray's position was untenable. At the President's instruction, Petersen, Gray and Kleindienst met that evening and discussed Gray's possible resignation. Kleindienst telephoned the President and recommended that Gray step down, but added that Gray did not see it that way. The President told Kleindienst that he would not require Gray to resign immediately. Gray has testified that Kleindienst also stated after speaking to the President there must be no implication that in burning these files there was any attempt of a coverup at the White House.

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85.1 L. Patrick Gray testimony, 9 SSC 3491-92, 3495.....	1614
85.2 <u>New York Daily News</u> , April 27, 1973, 2.....	1617
85.3 Meetings and conversations between the President and Henry Petersen, April 26, 1973 (received from White House).....	1618
85.4 Henry Petersen testimony, 9 SSC 3625-26, 3654.....	1619
85.5 Meetings and conversations between the President and Richard Kleindienst, April 26, 1973 (received from White House).....	1622
85.6 Richard Kleindienst testimony, 9 SSC 3598-99.....	1623

to me that that telephone conversation was made in Washington, since there is no reference at all to San Clemente or Key Biscayne and normally the people who kept this log would make such references.

Senator WEICKER. Now, Mr. Gray, I would like to move along, if we can, to the events of April, more specifically those events which commenced with your telling me of the burning of the files in your office on April 25. I think that has been gone into in detail. If there is anything you want to add, any further question, I am sure they will develop that, but I would like to move from April 25 to the afternoon of April 26 and have you recount to the committee in your own words what transpired in the late afternoon of April 26.

Mr. GRAY. Well, Senator Weicker, it was after 6 o'clock in the evening when I was leaving and I believe it to be somewhere between 6:15 and 6:30 and I was driving out the gate and the police officer there, of the GSA security force, Officer Cousin, whom I used to say hello to every night as we drove out, exchanging a few pleasantries, said to me that Mr. Petersen had called and it is urgent and you are to call him right away, and I got out of my car and I walked into the guard booth there and I telephoned Mr. Petersen and Mr. Petersen said that he had had a call from the Attorney General, Attorney General Kleindienst, and Attorney General Kleindienst wanted to meet with us in his office at 7 p.m. Mr. Petersen said he was calling from the golf course and was coming in directly from the golf course and it was about the stories and rumors that were on the media circuit that the files had been burned. And I said, fine, I will go back up to my office and wait a while, and I asked my driver, Special Agent Thomas Mote, who is also a good friend of mine, to park the car and wait for me, and I went on up to the office and at about 7:15 p.m. I walked over to the Attorney General's office and I found the main door locked and I walked to what we call an alcove door that leads almost directly into his own private office and I can remember pulling out my key and the door was open. I did not have to use my key. And I walked right in, walked through the conference room, walked into the secretary's area and picked up the phone, called Mr. Petersen and told him that I was here in the Attorney General's office and just then the Attorney General walked in—I could hear his footsteps—and I told Mr. Petersen the Attorney General walked in, come on up, and I went back immediately and the Attorney General said to me the President had called him and is concerned about the reports that these files were burned and that we had to meet and make some recommendation to the President.

By then Mr. Petersen had come up. We both sat in chairs in front of the Attorney General's desk and I told them that I had spoken with you. I did not say to them that you had talked to the press, even though you had told me that you did. You said to me you are probably going to be the angriest man in the world at me for talking to the press and I told you, no, you ought to be the angriest man in the world at me. I did not say that you had given this information to the press but I said I believe that Senator Weicker knows all about this because I have spoken to him.

Then Mr. Kleindienst said let's have a drink. [Laughter.] And Mr. Petersen and Mr. Kleindienst and I all went into a little private office off of his main office and Mr. Kleindienst fixed a drink for himself and Mr. Petersen and I do not drink and I just sat there in an over-

3492

stuffed leather chair and Mr. Kleindienst was sitting right in front of me facing me and he said to me, "It doesn't seem to me that you can continue as acting director of the FBI," and I said, "Well, Dick, it does seem to me that I can continue as acting director of the FBI because these files had absolutely nothing to do with Watergate and the men and women of the FBI know I have done nothing to stifle this investigation, but that I will accede to whatever the President wishes. If he wishes me to continue to serve, I will serve. If he wishes me to resign, I will resign."

Mr. Kleindienst then went into his other office and said he was going to talk to the President and during his absence Mr. Petersen was pacing up and down in the office, walking back and forth, and I remember him distinctly saying, "Pat, I am scared." And I said, "Henry, why?" And I am still sitting there in that chair. And he said, "I am scared because it appears that you and I are expendable and Haldeman and Ehrlichman are not." And I said, "Henry, do you think I should get a lawyer?" And—this is the first time I had entertained the idea, and he said, "Yes." And I did. Later.

But then Mr. Kleindienst came back into the office and sat down in the chair again, facing me, and said "The President wants you to continue to serve as acting director," and I said, "Fine, Dick, I will do it." And then all three of us left the office. We walked out of the office together.

Senator WEICKER. Now, would you move to the morning of the 27th?

Mr. GRAY. Well, when I got home that evening I got—it was after 8 o'clock and I did quite a bit of thinking about this and I thought that I had better really resign, that this was not the thing to have done and that there was no way in the world that I would be able to explain it to the FBI. It would take too long. So coming into the office that next morning, I asked two members of my personal staff, the oldest two members, to come in and sit down with me. I told them all the facts and I said, I just feel that I can no longer command the FBI. They agreed with me and I told them, I said, all right. What I want you to do, I am going to call Marjorie in, my secretary, and dictate my resignation. I want you to prepare a statement to go along with it. Earlier that morning, at about 8 o'clock, when I first came in. I called Mr. Felt, reached back on my console, pushed his button and called him and I said, "Mark, later on I am going to want to talk with you and members of the personal staff about this story of the burning of the files but I feel that I can no longer command the FBI." I told him that earlier. Then they came—the members of my personal staff came—the two members of my personal staff came back in at about 10:15 in the morning. I asked Mr. Felt to come in. We went over the whole thing again, went over the statement. We went over my letter of resignation and I told Mr. Felt to have the acting directors assemble at 11:30, that I was going to tell the Attorney General that I was going to resign and that was all that was to it.

I can't—I believe that I did tell the Attorney General. I am pretty sure that I told the Attorney General. I haven't even looked at my logs to see if there is a telephone call to him but I am pretty sure that I told him that I was going to resign.

I had Mr. Felt set up the meeting with the assistant directors at 11:30 in my conference room so I could appear before them and tell

Senator TALMADGE. You accepted it as an order and you executed it as an order and you carried it out as an order, is that correct?

Mr. GRAY. That is correct.

Senator TALMADGE. What did you think the source of this authority was?

Mr. GRAY. Well, as I have testified, I cannot really say it came from the President but I can say to you, Senator Talmadge, that one thing I neglected to say in the course of the conversation in the Attorney General's little private office when he was sitting there, after having talked with the President, Mr. Kleindienst said to me there must be no implication that in burning these files there was any attempt of a coverup at the White House, and I told him, I said, "Dick, I clearly got instructions, I thought, to burn those files and I burned them and that is going to be my testimony."

Senator TALMADGE. You assumed that Dean's authority came from the President, did you not?

Mr. GRAY. He was standing right there in the presence of the top assistant to the President.

Senator TALMADGE. You assumed that Ehrlichman's order came from the President?

Mr. GRAY. I had to believe they were acting for the President, yes.

Senator TALMADGE. You assumed that it came from the Chief Executive of the United States of America acting in that capacity, subordinates?

Mr. GRAY. I made that assumption but, Senator Talmadge, in fairness and decency and honesty, I have to say I just cannot testify under oath that the President ordered them to do this.

Senator TALMADGE. I can understand that.

Mr. GRAY. But I made that assumption, there is no—

Senator TALMADGE. You were in the Navy, when you got an order from the fleet commander you assumed it came from the Chief of Naval Operations, did you not?

Mr. GRAY. That is correct.

Senator TALMADGE. And in turn that he was appointed by the President of the United States, it came from the authority of the President; is that an accurate statement?

Mr. GRAY. That is correct.

Senator TALMADGE. I believe you, in some statement, stated you wrote the President, I believe—

Mr. GRAY. That is correct.

Senator TALMADGE [continuing]. In 1968, to beware of his subordinates, they were attempting to wear his stripes as Commander in Chief; is that correct?

Mr. GRAY. Yes, sir; I wrote that to him, that was in connection with my letter to him saying that I was delighted to hear his remarks on the evening there in the Waldorf because I was writing in terms of the divisiveness and polarization that had set upon our country and it seemed to me he was saying he was going to yield this and I wrote it in that connection. I wrote him a very idealistic flowering letter and that letter was introduced in evidence before the Nedzi subcommittee, but in the letter I did just say that, Senator Talmadge.

Senator TALMADGE. What made you think then that his subordinates were trying to take advantage of the positions that they were being placed in?

DAILY NEWS, FRIDAY, APRIL 27, 1973

FBI Chief to Tell of Burning Hunt Files

Learns Folders Held Fake Gov't Cables

By JAMES WIEGHART

Washington, April 26 (NEWS Bureau)—Acting FBI Director L. Patrick Gray 3d is prepared to tell the Watergate grand jury that, at the suggestion of two top White House aides, he burned two "highly classified, politically sensitive" files belonging to Watergate conspirator E. Howard Hunt Jr. two weeks after the June 17 break-in at Democratic Party headquarters.

Sources close to Gray said he told Assistant Attorney General Henry Petersen that he was handed the Hunt files and told, "These should never see the light of day," by White House Counsel John W. Dean 3d in the presence of John D. Ehrlichman, President Nixon's chief domestic adviser.

The sources said Gray made the statement when questioned by Petersen in his FBI office on April 16. At that time, Gray told Petersen he did not read the Hunt files but destroyed them because Dean had assured him they were not connected with Watergate, but were "highly sensitive, classi-

April 15, he thought Gray still had the envelope. But at that time, he said, he learned "certain new facts concerning the disposition of the contents." He said he reported his findings to Nixon that same day and the President turned the information over to Petersen.

Dean was unavailable for comment but, according to an earlier statement made by him, Ehrlichman remarked just prior to the June 28, 1972, meeting with Gray, "John, you drive over the bridge (the Arlington bridge) to and from work every day, why didn't you just throw them in the river?"

Dean lives in suburban Virginia, across the Potomac from Washington.

Gray learned only yesterday from Petersen of the supposed contents of the files. Dean was said to have described the two Hunt files as containing "fabricated State Department cables related to President Kennedy's

L. Patrick Gray 3d is prepared to tell Watergate grand jury he burned "two highly classified, politically sensitive" files.

complicity in the assassination of (South Vietnamese) President Diem."

Gray was told by Petersen that the fabrications were made by Hunt, but he was not informed as to the purpose of the faked cables.

However, it is known that Hunt, a former CIA agent who served as a White House consultant, was compiling a dossier on Sen. Edward M. Kennedy (D-Mass.), particularly on the fatal auto accident on Chappaquiddick in 1969, for possible use by the Nixon reelection committee if

(Continued on page 81, col. 1)

Gray to Tell Gate Jury Of Burning Hunt Files

(Continued from page 2)

Kennedy won the Democratic presidential nomination in 1972.

It could not be learned what happened to that Kennedy file or whether any of the documents in it were also faked.

Gray was described as "shocked and surprised" when Petersen ended his questioning about the two Hunt files on April 16 with the announcement that the acting FBI director would be called to testify by the Watergate grand jury.

But the acting FBI chief was even more disturbed when he was informed for the first time Tuesday that Dean's request for raw FBI files on the Watergate investigation last summer was rejected by Attorney General Richard G. Kleindienst and by Petersen.

Dean, who at that time was conducting a separate investigation for Nixon on the possible involvement of White House aides or officials in the Watergate break-in, subsequently obtained the raw FBI files from Gray.

Support Is Weakened

Gray testified before the Senate Judiciary Committee earlier this year that he turned over 82 FBI Watergate files to Dean. This disclosure seriously weakened support for Senate confirmation of Gray's nomination as FBI director, and Gray subsequently asked Nixon to withdraw his name.

Gray's friends said that if he had known that Dean's request for the files had been rejected earlier by Kleindienst and Petersen, he also would have refused the request.

A source close to Gray said it appeared that Ehrlichman and Dean "set Pat up as a patsy" in the attempted cover-up of White House involvement in Watergate by asking him to destroy the files.

Gray had no explanation of why Dean had given him the files to destroy instead of merely destroying them himself. Petersen also was apparently baffled on this point. During his interview with Petersen earlier this month, Dean said that Ehrlichman had suggested to him that he should have thrown the files into the Potomac River instead of handing them over to Gray.

Gray's Account Reported

According to sources close to the acting FBI chief, Gray's account of the transfer of the Hunt files seems to lend credence to the "patsy" theory. It runs as follows:

On June 28, just 11 days after five men, including the Nixon reelection committee's security chief, James W. McCord Jr., were arrested inside the Democratic Party offices at the Watergate, Gray went to Ehrlichman's office in the White House to discuss with him alleged FBI leaks about the investigation.

When Gray walked into Ehrlichman's office, he found Dean and Ehrlichman standing there, chatting. He recalls, "I walked

saying, 'Pat, John (Dean) has some papers he wants to turn over to you.'"

Dean then handed Gray two file folders, each about an eighth of an inch thick. He told Gray, "These are some papers Howard Hunt was working on. They should never see the light of day."

Gray said that Dean implied that he wanted the papers destroyed, but that he could not swear Dean used the word "destroy." Gray said that he considered the youthful Dean, 34, as his superior because as White House counsel, Dean was working directly for President Nixon.

Gray said he took the two files and placed them in a manila envelope without even looking through them. Dean then left, and Gray and Ehrlichman discussed the problem of FBI leaks.

That night, Gray took the files home and put them in a closet. The following day he left Washington for a weekend trip to San Diego to speak at the opening of a new FBI office. When he returned to work in Washington Monday morning (July 3), Gray took the manila envelope with him and, in his office, he tore the files up and placed them in a "burn bag," used for the destruction of confidential material. Gray said he never read the files.

Asked later by a friend why he did not read the files before having them burned, Gray said because Dean had told him the files were not related to the Watergate case.

Gray also said that he did not realize at that time that Hunt was a key figure in the Watergate case. Hunt had not yet been charged with conspiracy in the break-in and burglary.

However, Hunt was the target of a widespread FBI search at that time. Hunt's name had been found in the address books of two of the suspects arrested in the Watergate and investigators had learned that he had worked closely as a CIA agent with the four former Cubans who participated in the abortive 1961 CIA-financed Bay of Pigs invasion.

In fact, Dean on June 19, 1972, drilled upon the safe in Hunt's office in the Executive Office Building and said he placed the contents in a cardboard box. The box stayed in the Executive Office Building until it was turned over to the FBI on June 25, 1972.

Although Gray has told friends that he did not see the contents of Hunt's safe until much later, he conceded that he was informed of it immediately and in fact called Dean on June 27 to point out that a gun had been found in the safe, in apparent violation of White House security precautions designed to protect the President.

Watergate has cast a long shadow over President Nixon's desire for global peace. See Capitol Staff, page 6.

fied national security documents of political dynamite."

In a statement tonight Ehrlichman said he was present when Dean handed a large envelope to Gray, but added that he did not know the contents except that Gray was told by Dean that the envelope contained "sensitive material."

Ehrlichman said that up until

85.3 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
HENRY PETERSEN, APRIL 26, 1973

Mr. Petersen

-2-

April 23, 1973

10/11/73

101550

AM	11:09	11:35	President telephoned Mr. Petersen (long distance)
	11:44	11:49	President telephoned Mr. Petersen (long distance)
PM	7:27	7:37	President telephoned Mr. Petersen (long distance)

April 24, 1973

AM	8:52	9:02	President telephoned Mr. Petersen (long distance)
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April 25, 1973

AM	8:56	9:01	President telephoned Mr. Petersen
PM	5:37	6:45	President met with Mr. Petersen

April 26, 1973

PM	5:56	6:17	President telephoned Mr. Petersen
	7:12	7:14	President telephoned Mr. Petersen

April 27, 1973

PM	4:31	4:35	President telephoned Mr. Petersen
	5:37	5:43	President met with Mr. Petersen
	6:04	6:48	President met with Mr. Petersen (Mr. Ziegler 6:10-6:20)

April 28, 1973

AM	9:13	9:25	President telephoned Mr. Petersen (long distance)
PM	7:06	7:11	President telephoned Mr. Petersen (long distance)

(1618)

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about April 15 when John Dean was being debriefed by the prosecutors and he related this to him and Silbert asked me about it and I said yes, and told him I had asked Pat Gray and Pat Gray said no, and I went back to Pat Gray either on April 16 or 17 and asked him again, told him what John Dean had said, and he said Henry, that is not so. About this time I was having some discussion with the President about it. I had imparted this information to him and he said well, I think Dean is telling the truth on this, you ought to ask Ehrlichman. When I left there I went over to Ehrlichman's office and he was not there and I frankly did not bother going back to him. We double-checked with Dean's counsel and they were sure of it and I went back to Mr. Gray the following week, around the 25th, 26th, and asked him again and this time he said yes, that he had received such documents, that they had implied that he ought to destroy them, that he had taken them home over the weekend and brought them back and tore them up and threw them in the burn basket. I said—

Mr. DASH. Did he tell you why he had destroyed them, whether he was acting under instructions?

Mr. PETERSEN. Well, I asked him if he read them and he said no, and he said, well, they just said they were politically sensitive.

Mr. DASH. Did you say he did not know the contents of the papers?

Mr. PETERSEN. I asked him if he read them and he said he did not.

Mr. DASH. Where did you say that Mr. Gray went before he burned them?

Mr. PETERSEN. He went to Connecticut. He was in travel status, as I recall his statement to me, and after he received the documents he was going up over the weekend or to make a speech and took the documents with him and told me he brought them back to the office and tore them up and pointed down to the basket beneath his desk and said I put them in there.

Mr. DASH. Without reading them?

Mr. PETERSEN. That is right.

Mr. DASH. On the 26th, which was quite some time beyond the period we have been talking about, Mr. Gray has testified that on that day, apparently that is the day he did admit to you that he destroyed the documents, you said to him that you were scared and that you and he, Mr. Gray, were expendable and Mr. Haldeman and Mr. Ehrlichman were not expendable.

Did you say anything like that to him and, if so, why?

Mr. PETERSEN. I am not sure you have the time right, Mr. Dash. As I recall it, that was the night before Mr. Gray resigned. It was the day on which this item that we are discussing was publicized and I received a call from the President, as did Mr. Kleindienst in the evening, and the President asked me whether or not I thought Mr. Gray ought to resign and I told him that I thought Mr. Gray's position was untenable. And he said we will discuss it with the Attorney General. He, too, had talked to the Attorney General and, of course, I did discuss it with the Attorney General and pursuant to the President's instructions we asked Pat Gray to meet us and we did meet in the back office of Mr. Kleindienst's office and we discussed the situation and in my conversations with the President I expressed some sympathy for Mr. Gray, who I think most highly of. I have no hesitancy; I liked the man very much. And I told the President, "Mr. President,

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I think he is an innocent victim," and the President said, "yes. Henry. maybe, but there are going to be a lot of innocent victims before this is over." So it was in that context, the context of commiseration. I did not want to be there, we were in effect, suggesting that the man resign, and when Mr. Kleindienst went out of the room to talk to the President again, you know. I said Pat, we are all going to be embarrassed before this is over, I am scared, we have a constitutional confrontation here, we have the Presidency of the strongest nation in the world teetering in the brink. I do not remember saying that we were expendable, Ehrlichman and Haldeman were not, but I may have. I was upset.

Mr. DASH. Are you aware that Mr. Gray's testimony is that he informed you on April 17 that he had received the documents? Are you aware that at that earlier time he gave you that information?

Mr. PETERSEN. No, sir. My recollection is that I went to see him on the 16th or 17th and he denied it, I went back to see him the following week after double-checking with Silbert and Dean's counsel and the President, what have you, and it was Tuesday of that week, I think, maybe the 25th, 26th.

Mr. DASH. Do you recall that sometime after the conviction of the seven Watergate defendants and the sentence, having lunch with Mr. Kleindienst, Mr. Dean and Mr. Ehrlichman and a question of leniency for the defendants coming up.

Mr. PETERSEN. No, no, I never had—

Mr. DASH. Let me rephrase the question. Are you aware of a lunch that Mr. Kleindienst had with Mr. Dean and Mr. Ehrlichman in which a question of leniency came up concerning the defendants in the Watergate case?

Mr. PETERSEN. Well, I am aware of a time when I received a telephone call from Mr. Kleindienst who said I am just now leaving the White House and I am on my way to the airport and on the way by I will stop by and you go downstairs and I will pick you up. You can ride out to the airport with me and I want to get some information from you, and I cannot fix the date except that it was a time when Mr. Kleindienst was going to Boston and he was meeting his wife at the airport.

We rode out to the airport and he said, I just had lunch with Dean and Ehrlichman and they raised a question of whether or not leniency could be accorded these defendants. And I said absolutely not. I said indeed, we are going to do just the contrary. It is not the practice in the District of Columbia to recommend specific terms, jail terms, but it certainly is the practice to recommend for jail or no jail and we intend to recommend jail time for these people and beyond that, after they are sentenced we intend to call them back and immunize them and in order to compel their testimony as to whether or not other persons are involved, and if they are contumacious and refused to testify they will be held in contempt. We discussed more what the procedure was, the sentencing procedures and when they would be sentenced and what have you, and he finally said do me a favor, go on back and go on over to the White House and tell those crazy guys over there what you just told me before they do something they will be sorry for. And I said, well, OK, and I went back to my office and on the way back I thought I have not been over there yet and this is not the time to go.

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cussed it and I recommended against it and the President recommended against it, so I was considerably surprised and frankly, disappointed.

Senator WEICKER. Now, you indicated that on April 26—this was the evening in Mr. Kleindienst's office, the evening that Pat Gray returns to talk with you and the Attorney General in his office—that prior to that meeting you had talked to the President.

Mr. PETERSEN. Yes, sir.

Senator WEICKER. And we had evidence from Mr. Kleindienst in the morning that he talked to the President during the course of that meeting. And yet, when the meeting is over, Mr. Gray is still in position. Why wasn't any action—can you give me at least from your conversation with the President, and/or your recollection, why wasn't Mr. Gray notified right then and there this is it?

Mr. PETERSEN. Well, I happened to be in Mr. Kleindienst's office when the call came through.

Senator WEICKER. Right.

Mr. PETERSEN. The President spoke to Mr. Kleindienst. Obviously, I could hear only Mr. Kleindienst's half of the conversation. Immediately after he got off the telephone he said we have to talk about Pat Gray, and what have you, and then the telephone rang again and this time it was for me and I walked out to the back office and took it. It was the President and he asked what I thought and I told him that I thought Pat's position was untenable, that I thought he was an innocent victim and I regretted it, and what have you, and he said, well, talk to Kleindienst about it and the two of you get together with Pat Gray.

We called Pat's office and he was just about to leave. We ran him down, brought him back there. We sat down and discussed the situation and not tearfully but almost so, and at the conclusion Mr. Kleindienst went out—I do not know whether he had another call from the President or went out to make one, but that was it.

We left with no decision. I was under the strong impression that Mr. Gray would resign. I thought he had to think it over and I expected he would think it over. So when he called me the next morning and told me that after a night of thought he decided that he had no other alternative, I was not surprised.

That is all I can tell you about it, Senator.

Senator WEICKER. Did you mention in testimony before the committee here this afternoon—it just slipped by and I am not so sure that I understood the context, and I might not have understood the substance either, which said that the President offered tapes to you?

Mr. PETERSEN. The President called on April 18 about the John Dean conversations on the night of April 15. His question was, has John Dean been immunized, and I said no. And he said, well, he says he has. And I said that is not true.

We got into an argument which was ridiculous because neither one of us was present when the agreement was entered into, and I said, wait, I will check with the prosecutors. He said, well, I have it on tape. I said I will take your word for it. I do not want to hear it. And so let me check with the prosecutor.

So I called up the prosecutor, and Silbert said no. I said, well, go back and check with his lawyer.

85.5 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
RICHARD KLEINDIENST, APRIL 26, 1973

Richard Kleindienst

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WH

101544

[April 26, 1973

PM	12:16	12:21	President placed local call to Kleindienst
	12:23	12:32	President placed local call to Kleindienst
[4:50	4:51	President placed local call to Kleindienst
	5:53	5:55	President placed local call to Kleindienst
	6:20	6:24	President placed local call to Kleindienst
[7:44	8:02	President received local call from Kleindienst

April 27, 1973

PM	1:32,	President received long distance call from Kleindienst -- not completed
	4:14 4:16	President placed local call to Kleindienst

April 29, 1973

PM	4:37 4:48	President met with Kleindienst Richardson 4:45 - 4:48
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April 30, 1973

PM	12:40 12:43	President placed long distance call to Kleindienst
	9:27	President received local call from Kleindienst -- Not completed

WH

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Senator WEICKER. So it was at the importuning of the President you did not announce your own resignation but, rather, went along with his request to be put into this group, is that correct?

Mr. KLEINDIENST. Well, he is the President of the United States. I was serving him. He asked me to do it. I did.

Senator WEICKER. I would like to, if I could, ask a few random questions until my time expires.

The sequence insofar as Mr. Gray is concerned, April 5 he withdraws his name for consideration for the Senate, is that correct?

Mr. KLEINDIENST. Yes, sir. I believe that is the date. April 5.

Senator WEICKER. And I believe also at that time you wrote a very warm personal note of appreciation to Pat.

Mr. KLEINDIENST. I have the highest regard for Pat Gray. I think he is one of the finest men I have ever known in my life and I feel very sorry for him.

Senator WEICKER. Now, on April 27, following the conversations in your office on the 26th, he steps down.

Mr. KLEINDIENST. Yes, sir.

Senator WEICKER. Now, what transpired in the meantime here? Or more specifically, more specifically, at what point did you become aware that apparently both the President and certainly Mr. Ehrlichman and Mr. Dean had come to the conclusion that Pat Gray would not be the man for the Directorship of the FBI?

Mr. KLEINDIENST. Well, you have to distinguish between. I guess the events that occurred after April 5 when it was, I think, indicated sometime around that time, and before April 15, Mr. Gray's nomination had been withdrawn from the Senate. And then after April 15 and before April 30 I had a meeting with Mr. Gray and Mr. Petersen in my office in the middle evening around 8 or 8:30. The next day he then resigned as the Acting Director of the FBI.

I do not know when I learned of the decision that Mr. Gray's name would be withdrawn from the Senate to be the Acting—to be the permanent Director, I am sure I would have known about it around that time.

Senator WEICKER. Around what time?

Mr. KLEINDIENST. Well, the time that it was withdrawn, his nomination was withdrawn. You see—

Senator WEICKER. We had testimony. Mr. Kleindienst, before this committee that he would indicate that both Mr. Ehrlichman and the President had soured on Pat Gray around March 6 or March 7.

Mr. KLEINDIENST. I did not know about that. I knew, I guess, as of the time I was out in San Clemente around April 5 that I must have known the decision was made because we were talking about my recommendations for a person for the President to nominate to be the next permanent Director. So I guess I knew about it prior to April 5. I do not believe I was informed that day of the decision. I think I probably knew that before.

Senator WEICKER. Now, in testimony yesterday Mr. Gray indicated to the committee—I think I am correct in my paraphrase—that when they met in your office on the evening of the 26th, you advised Mr. Gray that you thought it best that he step down.

Mr. KLEINDIENST. Yes, I did, and Pat really did not agree with that. I called the President, gave him a report of the meeting, what Pat

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told me. I said, Mr. President, my recommendation is that Pat step down. Pat does not feel that way about it. And then my recollection is, Senator—and I have read Pat's testimony yesterday, but my recollection was that I said, Pat, tomorrow you have a meeting with the top people of the FBI and get their reaction as to whether or not as a result of this situation you can credibly serve as the Acting Director until a permanent Director comes along. He seems to recall that that was his own thinking. Maybe not. I do not know. In any event, the next morning he did meet with the top people of the FBI and he called me and said that, and I recall him saying that, you are right, the people here do not feel that I can credibly remain as the Acting Director, and then I recall I said, Pat, I think you ought to call the President yourself and submit your resignation to him this morning and you do that directly.

Now, that is my recollection of it.

Senator WEICKER. I have no dispute with your recollection.

May I just ask one question? I do not want to interrupt.

Mr. KLEINDIENST. I want to set the record straight on one thing. You recall Mr. Gray had made an offer to the Members of the U.S. Senate that they could have access to the FBI files and then that order was rescinded. I believe that you were scheduled to go up there on a Saturday morning to see them and I called you personally and said that I ordered that to be rescinded. No one else was responsible for that decision except myself. I disagreed with the position taken by Mr. Gray in his confirmation hearings and that I was the one, who as the Attorney General of the United States, who rescinded that offer by Mr. Gray and I think I called you personally and it was not a pleasant task for me, to call you personally that I had rescinded it, and I think there was something said yesterday to the effect that somebody else had made that decision. Nobody else did. I made that and I want to take that responsibility.

Senator WEICKER. The last question, because my time is up, when you called the President, did the President tell you that Pat Gray should step down, on the evening of the 26th?

Mr. KLEINDIENST. No. I think I gave him my recommendation and I also, to the best of my ability, reported Pat Gray's position on it and I think the President then said to me, well, if Pat does not want to resign immediately or right now, I am not going to require him to do so until we can analyze the matter further or give some additional information. That was the President's posture.

Senator WEICKER. Thank you. My time is up.

Senator ERVIN. Senator Montoya.

Senator MONTOKA. Mr. Kleindienst—

Mr. KLEINDIENST. Yes, sir.

Senator MONTOKA. About how many times did you speak to the President between June 17 and the time of your resignation?

Mr. KLEINDIENST. How many times?

Senator MONTOKA. Yes.

Mr. KLEINDIENST. Boy, it would be a guess. The committee has in its possession my telephone logs that would more accurately reflect that. I would say 10 or under times and that is just a guess. Senator Montoya.

Senator MONTOKA. Ten?

86. On April 26, 1973 Jeb Magruder resigned his post as Director of Policy Development for the Department of Commerce.

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86.1 Washington Post, April 27, 1973, A1, A16..... 1626

Magruder Resigns U.S. Job First Among Watergate Figures to Quit

By George Lardner Jr.
and Carroll Kilpatrick
Washington Post Staff Writers

Jerb Stuart Magruder, a former White House aide who served as President Nixon's 1972 deputy campaign director, resigned abruptly from the Commerce Department yesterday.

His lawyer, James Bierbower, confirmed last night that Magruder had quit. His resignation from his \$36,000-a-year post as director of policy development is expected to be formally accepted today.

The first official among those mentioned in the Watergate case to leave the government in the wake of recent disclosures, Magruder reportedly told federal prosecutors on April 14 that former Attorney General John N. Mitchell and presidential counsel John W. Dean III approved and helped plan the bugging last year of Democratic national headquarters.

He has also been reported as saying that Mitchell and Dean subsequently arranged to buy the silence of the seven convicted Watergate conspirators.

Earlier in the day, White House press secretary Ronald L. Ziegler told reporters that no White House staff resignations had been offered or requested.

During the Watergate trial, Magruder was named as the man who hired convicted Watergate conspirator G. Gordon Liddy for the President's re-election effort.

Magruder testified at the trial that he had no knowledge of the Watergate bugging but said that he helped establish what was supposed to be a "legal" and "ethical" intelligence-gathering operation.

He subsequently "chose to talk because he felt the walls were coming in on him," one source reported.

A clean-cut, boyish-faced man with a background in merchandising cosmetics and women's hosiery, Magruder served at the White House as a deputy to chief of staff H. R. (Bob) Halde- man and later as Mitchell's principal assistant at the President's re-election committee.

Magruder is not believed to have testified yet before the Watergate grand jury.

Mitchell acknowledged publicly last week for the first time that bugging plans were broached in his presence at several meetings before the Watergate break-in, but insisted that he rejected the proposals when they came up.

There were these other developments relating to the Watergate affair:

- The Association of the Bar of the City of New York, the nation's oldest organized bar group, called on President Nixon to appoint an independent lawyer to conduct an investigation of the Watergate.

The present arrangement

whereby presidential appointees are conducting the investigation "has resulted in justifiable doubt concerning possible conflict of interest, as well as problems relating to professional ethics," a letter from the bar group said.

- Former presidential adviser Robert H. Finch was reported to have declined an offer to return from private life in California to a White House job. A congressional Republican leader said Finch told him this week he had received and declined the offer.

- Ziegler denied a Washington Post report that former Defense Secretary Melvin R. Laird was asked to conduct a staff reorganization at the White House.

Howard Simons, managing editor of The Post, replied: "We stand by our story."

- Vice President Agnew told a group of Harvard University students that he would "resign and speak out" if he ever found himself in "deep disagreement" with the President on an issue of conscience.

While expressing "utter confidence" in the Presi-

dent, Agnew said, in reply to a question during a meeting in his office with members of the Harvard Republican Club, that if he found himself in disagreement with the President on a matter of conscience "I wouldn't stay here as Vice President and use this as a pulpit to criticize the President. I would resign."

"This doesn't mean that I have any intention of resigning, because I still have confidence that the President has not been involved in a way that would shock my conscience."

- Treasury Secretary George P. Shultz said in an interview with Elizabeth Drew of the Public Broadcasting Service that the Watergate case would not undermine the President's capacity to govern. Shultz said that while Watergate "is a very difficult and unpleasant problem" for the President he will take vigorous action to determine the facts.

- John J. Wilson, an attorney representing presidential aides H. R. (Bob) Halde- man and John D. Ehrlich- man, spent some time at the White House yesterday morning but did not see Mr. Nixon, Ziegler said.

Later, Wilson was seen entering the office of the federal prosecutor in the Watergate case, Earl J. Silbert.

Wilson remained at Silbert's office for about a half hour. On leaving, he said that neither Halde- man nor Ehrlichman had been subpoenaed to appear before the grand jury. Wilson would not say whether the two had been invited to appear.

Ziegler maintained that the President has not talked

to anyone about replacing anyone on the White House staff.

The President is continuing his investigation and consulting daily with Assistant Attorney General Henry E. Petersen, Ziegler said, but he added that "the processes of government are going on."

While Mr. Nixon has held two meetings with Wilson, he does not plan to meet him again, Ziegler said.

Orville H. Schell Jr., president of the 10,000-member New York City bar associa-

tion, made up of some of the nation's most influential lawyers, released the letter to the President which he said was delivered at the White House early yesterday.

The letter, sent with the unanimous support of the bar group's executive committee, said, "We feel that it must have occurred to you that lawyers and laymen alike would have greater confidence if all proceedings were under the independent and direct control of an eminent lawyer, who has no connection with the Department of Justice or any of the persons under investigation."

"We therefore urge you to appoint such special counsel from amongst the numerous leaders of the bar who could accept such an assignment and discharge their obliga-

tion without fear or favor."

Sen. Jacob K. Javits (R-N.Y.), who is a member of the bar association, termed the move "most constructive" and said he supported it.

87. On the afternoon of April 27, 1973 Patrick Gray notified Lawrence Higby that he was resigning as Acting Director of the FBI. From 4:31 to 4:35 p.m. on April 27, the President had a telephone conversation with Petersen during which the President asked if Petersen had any information that would reflect on the President. Petersen said no. At the President's request, Petersen met with the President from 5:37 to 5:43 p.m. and from 6:04 to 6:48 p.m. The President again asked if there was adverse information about the President. Petersen said he was sure that the prosecutors did not have that type of information.

The Committee has requested the tape recordings and other evidence of various Presidential conversations on the afternoon and evening of April 27, 1973. The President has produced edited transcripts of the conversations between the President and Petersen from 5:37 to 5:43 p.m. and among the President, Petersen and Ronald Ziegler from 6:04 to 6:48 p.m. Summaries of the transcripts have been prepared.

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- 87.6 House Judiciary Committee staff summary of
White House edited transcript of a meeting
among the President, Henry Petersen and
Ronald Ziegler, April 27, 1973, 6:04 -
6:48 p.m..... 1638

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stuffed leather chair and Mr. Kleindienst was sitting right in front of me facing me and he said to me, "It doesn't seem to me that you can continue as acting director of the FBI," and I said, "Well, Dick, it does seem to me that I can continue as acting director of the FBI because these files had absolutely nothing to do with Watergate and the men and women of the FBI know I have done nothing to stifle this investigation, but that I will accede to whatever the President wishes. If he wishes me to continue to serve, I will serve. If he wishes me to resign, I will resign."

Mr. Kleindienst then went into his other office and said he was going to talk to the President and during his absence Mr. Petersen was pacing up and down in the office, walking back and forth, and I remember him distinctly saying, "Pat, I am scared." And I said, "Henry, why?" And I am still sitting there in that chair. And he said, "I am scared because it appears that you and I are expendable and Haldeman and Ehrlichman are not." And I said, "Henry, do you think I should get a lawyer?" And—this is the first time I had entertained the idea, and he said, "Yes." And I did. Later.

But then Mr. Kleindienst came back into the office and sat down in the chair again, facing me, and said "The President wants you to continue to serve as acting director," and I said, "Fine, Dick, I will do it." And then all three of us left the office. We walked out of the office together.

Senator WEICKER. Now, would you move to the morning of the 27th?

Mr. GRAY. Well, when I got home that evening I got—it was after 8 o'clock and I did quite a bit of thinking about this and I thought that I had better really resign, that this was not the thing to have done and that there was no way in the world that I would be able to explain it to the FBI. It would take too long. So coming into the office that next morning, I asked two members of my personal staff, the oldest two members, to come in and sit down with me. I told them all the facts and I said, I just feel that I can no longer command the FBI. They agreed with me and I told them, I said, all right. What I want you to do, I am going to call Marjorie in, my secretary, and dictate my resignation. I want you to prepare a statement to go along with it. Earlier that morning, at about 8 o'clock, when I first came in, I called Mr. Felt, reached back on my console, pushed his button and called him and I said, "Mark, later on I am going to want to talk with you and members of the personal staff about this story of the burning of the files but I feel that I can no longer command the FBI." I told him that earlier. Then they came—the members of my personal staff came—the two members of my personal staff came back in at about 10:15 in the morning. I asked Mr. Felt to come in. We went over the whole thing again, went over the statement. We went over my letter of resignation and I told Mr. Felt to have the acting directors assemble at 11:30, that I was going to tell the Attorney General that I was going to resign and that was all that was to it.

I can't—I believe that I did tell the Attorney General. I am pretty sure that I told the Attorney General. I haven't even looked at my logs to see if there is a telephone call to him but I am pretty sure that I told him that I was going to resign.

I had Mr. Felt set up the meeting with the assistant directors at 11:30 in my conference room so I could appear before them and tell

them. And I did. I met with them and I told them exactly what had happened and I said, Mr. Felt will tell you all the details but I feel that I can no longer command the FBI.

I shook hands and I said goodbye.

I think it was then, at about noon, that I called Mr. Higby. I called Mr. Haldeman's office asking to speak to the President and I got Mr. Higby and Mr. Higby said that the President and Mr. Haldeman and Mr. Ehrlichman were in Mississippi with Senator Stennis, and I think it was Meridian, but I am not sure of the town, and that he would have to get to them with regard to my statement to him that I was going to resign, that I could no longer command the FBI, and that if I tried to do so, there would be insurrection and mutiny, and that this resignation had to be accepted. And that was just at about noon.

And I believe—let me refer to my logs.

Senator WEICKER. Go ahead.

Mr. GRAY. Yes. I telephoned Mr. Higby at 12:18 p.m. and I told him at that time that my resignation had been written and was on its way over, and he said, let me talk to them, the party down there in Mississippi, before you send this over.

And then there was another call at 1:59. Mr. Higby spoke to me and said, "Please send your resignation over. They are expected back at about 3 o'clock." And I believe it was in this call that I told him I also wanted to issue a statement along with this resignation of mine and this—my recollection is that it took him aback a little bit and he said, "Nobody at the White House is going to want to issue this statement," and I said, "No, my statement is harmless. I am going to issue it," and I read it to him. And then he called me back at 2:09 p.m. and told me to go ahead and send the resignation over and send the statements over to him, which I did.

Senator WEICKER. Now, after your resignation was announced, did you receive any information—

Mr. GRAY. When I left.

Senator WEICKER. Or any indication that according to White House officials, those associated with the White House, the fact that yours was not a resignation but rather you had been kicked out?

Mr. GRAY. Yes, sir. I left the department that afternoon about 2:45 p.m., and drove, as I recall, to Connecticut and I think it was the next day that I talked with my executive assistant, who told me that there had been stories that had been carried on the wires to the effect that I had been thrown out and that he had taken it upon himself to—because he had participated in this whole thing with me—he had taken it upon himself to issue a correcting statement attributed to FBI sources.

Senator WEICKER. Then, at any point, I repeat, between March 21 and April 27, which marked the date of your resignation, at any time during that period did you or were you requested by the President of the United States to give to him information, facts, et cetera, relative to the Watergate situation?

Mr. GRAY. I was not given any orders by the President of the United States or anyone to give them any facts about the Watergate situation until Mr. Petersen came to me on April 16, and I have already testified to that in my statement. This is when they asked me whether John Dean had given me two of Howard Hunt's files.

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

DR

FILE _____

DATE FRI., APRIL 27, 1973

Time	Caller	VIA	Action	Initials
9 ³⁵	MISS THELMA P. TUDOR	PERS	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
9 ⁴¹	MISS V. FAY RICHARDSON	PERS	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
9 ⁴³	MISS MARIE C.C. RICHTER	PERS	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
9 ⁴⁵	MR. MERVIN E. SMITH, JR.	PERS	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER (DEPT. PIO) 151/2025			
10 ⁰⁵	MR. HORACE WEBB	TELE	LEFT WORD	RET
10 ¹⁵	MR. PHIL JONES, CBS NEWS	PERS	REGRETS EXPRESSED	RET
10 ⁴⁴	MR. ED MEESE	TELE	SPOKE TO MR. GRAY	RET
10 ⁵⁴	MR. LICHENSTEIN	PERS	SAW MR. GRAY	RET
			MR. MAX SHAPIRO -	
11 ¹⁴	MR. GRAY	TELE	SPOKE TO MR. WOOL	RET
11 ²¹	SENATOR HOWELL WEICKER	TELE	LEFT WORD	RET
			SEN. WEICKER, HOT SPR., VA -	
11 ⁴⁷	MR. GRAY (WHITE HOUSE)	TELE	LEFT WORD	RET
12 ¹⁵	MR. LARRY HILLY	TELE	SPOKE TO MR. GRAY	RET
1 ²⁵	LUNCH WITH PERSONAL STAFF			RET
1 ³⁴	SENATOR WEICKER	TELE	SPOKE TO MR. GRAY	RET
	CONTINUED ON NEXT PAGE)			

DIRECTOR:

IN - 7³⁰

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DR

FILE

DATE FRI, APRIL 27, 1973

DR

87.3 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
HENRY PETERSEN, APRIL 27, 1973

Mr. Petersen

-2-

April 23, 1973

101550

101550

AM	11:09	11:35	President telephoned Mr. Petersen (long distance)
	11:44	11:49	President telephoned Mr. Petersen (long distance)
PM	7:27	7:37	President telephoned Mr. Petersen (long distance)

April 24, 1973

AM	8:52	9:02	President telephoned Mr. Petersen (long distance)
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April 25, 1973

AM	8:56	9:01	President telephoned Mr. Petersen
PM	5:37	6:45	President met with Mr. Petersen

April 26, 1973

PM	5:56	6:17	President telephoned Mr. Petersen
	7:12	7:14	President telephoned Mr. Petersen

April 27, 1973

PM	4:31	4:35	President telephoned Mr. Petersen
	5:37	5:43	President met with Mr. Petersen
	6:04	6:48	President met with Mr. Petersen (Mr. Ziegler 6:10-6:20)

April 28, 1973

AM	9:13	9:25	President telephoned Mr. Petersen (long distance)
PM	7:06	7:11	President telephoned Mr. Petersen (long distance)

Mr. PETERSEN. No, sir; Mr. Dash. As late as April 27, I can be very certain about that, on April 27 I received a call from the President who said do you have any information that would reflect on the President on this thing? I said, no. He said, would you come over, and I did. I went over to the White House and he repeated the question and I said, no. I said, I do not have that type of information. I am sure the prosecutors do not. If they did they would convey it to me immediately, and we discussed it and——

Mr. THOMPSON. Can you state the basis of his concern?

Mr. PETERSEN. Yes; two reporters, one from the New York Times and one from the Washington Post, posed the question at the White House press office with the implication that this information was in the hands of prosecutors. Well, he said, well, would you mind calling to make doubly sure and I did not——

Mr. THOMPSON. Exactly what information, that the President was somehow involved?

Mr. PETERSEN. Somehow involved. It was just as general as that. I said yes, I would call. I went into the Cabinet room and made a call, called Earl Silbert, and told him of the reports that had been received in the White House press office and he said absolutely no, there was no such information available.

Mr. THOMPSON. Did I understand you to say that on April 15, when you discussed the fact that you felt Haldeman and Ehrlichman should be dismissed, the President said in effect that Dean should be dismissed also, he seemed to be involved to a certain extent?

Mr. PETERSEN. It certainly was clear the President wanted to treat all three alike.

Mr. THOMPSON. Because of your suggestion the President evidently waited until April 30 before dismissing Dean.

Mr. PETERSEN. That is right.

Mr. THOMPSON. He was kept on the staff primarily as far as you know because of your request that——

Mr. PETERSEN. From prosecution; yes, sir.

Mr. THOMPSON. Thank you.

Senator ERVIN. Mr. Petersen, is it not a part of the judicial process that witnesses shall go before grand juries if they are able bodied and available so that grand jurors may interrogate them?

Mr. PETERSEN. That the grand jurors may interrogate them; yes, sir.

Senator ERVIN. Now, I am not an expert on Federal statutes but I have searched in vain for any Federal statute or any rule of court which would exempt from a personal appearance before a grand jury any witness who is able bodied and readily available to the grand jury.

Is there any such statute?

Mr. PETERSEN. No, sir.

Senator ERVIN. Now, there were three White House aides, Colson, Young, and Krogh, and former Secretary Maurice Stans who were exempted from going before the grand jury in person.

Mr. PETERSEN. I think we ought to clarify that, Mr. Chairman. Colson, Krogh, and Young, I don't believe, were subpoenaed. We just decided we wanted their testimony, we wanted it under oath and we did not use the subpoena process. So to that extent there is a distinction with what we did with Stans. At the outset we were going to take Stans before the grand jury and we issued a subpoena for that purpose; yes, so that is a distinguishable situation.

SUMMARY OF EDITED WHITE HOUSE TRANSCRIPT

APRIL 27, 1973, 5:37 p.m. to 5:43 p.m.

On April 27, 1973, the President met with Henry Petersen in the Oval Office from 5:37 to 5:43 p.m. The President told Petersen that they had gotten a report that "really we've got to head them off at the pass. Because it's so damned -- so damn dangerous to the Presidency, in a sense." The President referred to a New York Times reporter, Hersh, who told Bittman, who told O'Brien apparently, that Hersh had information "indicating that Dean has made statements to the prosecuting team implicating the President." The President said that the Post had heard similar rumors. The President said, "Now, Henry, this I've got to know. Now, understand -- I have told you everything I know about this thing." Petersen said he would get in touch with Titus, Silbert, Glanzer and Campbell immediately. The President asked, "Do you mind calling them right now?" and Petersen agreed to do so. (pp. 1-2)

The President said to ask them, "All of your conversations with Dean and Bittman, do they implicate the President?" Petersen replied that they had "a kind of crisis of confidence night before last." Petersen said he left to go to the White House and left his two principal assistants to discourse with Silbert and the other three. Petersen said it concerned him whether or not they were at ease with Petersen's reporting to the President and that he had pointed out to them that he had very specific instructions, and had discussed that with them before. The President said, "Yes." Petersen continued, "As a consequence -- I kind of laid in to Titus yesterday and it cleared the air a little bit, but there is a very suspicious atmosphere. They are concerned and scared. Ah -- and I will check on this but I have absolutely no information at this point that -- " The President said, "Never

-2-

heard anything like that --," and Petersen said absolutely not. Petersen told the President, ". . .I do not consider it, you know, I've said to Titus, 'We have to draw the line. We have no mandate to investigate the President. We investigate Watergate.' and I don't know where that line draws, but we have to draw that all the time." (pp. 2-3)

The President replied, "Good. Because if Dean if [sic] implicating the Presidency -- we are going to damned well find out about it." The President told Petersen that "the only conversations we ever had with him" was "that famous March 21st conversation I told you about" where Dean told the President about the Bittman request for \$120,000 for Hunt. The President said, "And I then finally began to get at them. I explored with him thoroughly, 'Now what the hell is this for?' He said 'It's because he's blackmailing Ehrlichman.' Remember I said that's what it's about. And Hunt is going to recall the seamy side of it." The President continued, "And I asked him, 'Well how would you get it? How would you get it to them?' so forth. But my purpose was to find out what the hell had been going on before. And believe me, nothing was approved. I mean as far as I'm concerned -- as far as I'm concerned turned it off totally." (pp. 2-3)

Petersen said, "Yeah. My understanding of the law is -- my understanding of our responsibilities, is that if it came to that I would have to come to you and say, 'We can't do that.' The only people who have jurisdiction to do that is the House of Representatives, as far as I am concerned." The President said, "That's right. But I want you to know, you tell me, because as far as I'm concerned --" Petersen said, "I'll call them." The President told him to use the Cabinet room so "you will be able to talk freely" and asked whom Petersen would call. Petersen said he would call Silbert and, if he was not there, Titus. The President said, "You'll say that 'This is the story some New York Times reporter has and Woodward of the

Post, but Hersh is reporting that Dean had made a statement to the prosecutors.' Now understand that this is not a Grand Jury thing. Now damnit I want to know what it is." Petersen said, "I'll call right away"; the President said, "And I need to know." Petersen said, "Yes, sir." (pp. 3-4)

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 27, 1973, 6:04 p.m. to 6:48 p.m.

On April 27, 1973 the President met with Assistant Attorney General Henry Petersen in the Oval Office of the White House from 6:04 to 6:48 p.m. Ronald Ziegler was present for part of the meeting.

Petersen told the President that Charlie Shaffer, Dean's lawyer, had threatened that they would "bring the President in," not in this case but in "other areas." Petersen said the prosecutors did not consider it of importance and regarded it as an elaboration of his earlier threat. "What else do you have besides that?" the President asked. Petersen reported that the investigation that day was dealing with the Cubans, Mrs. Hunt and the passing of money to the defendants; and that the prosecutors were going to interview Butterfield and Caulfield, while continuing their negotiations with Strachan on having flunked the lie detector test. Petersen said they were telling Strachan he had to make the choice whether he wanted to be a witness or a defendant (pp. 1-4)

As Petersen began recounting this information, the President again brought up "this threat," apparently referred to a possible Seymour Hersh story in the New York Times, and told Petersen, "If it were in the Grand Jury I want to know that too." The President said, "(expletive removed). You've got to believe me. I am after the truth, even if it hurts me. But believe me, it won't." The President added, "Just like it won't hurt you. We are doing our job." He told Petersen that somebody was in the other day

and was saying "Dean is going to blackmail you because of something you're supposed to have told me." And, the President told Petersen, "I said (expletive removed), I said, you have a right to tell me what was going on." (p. 2)

Ziegler joined the meeting, and the President asked Petersen to repeat Dean's attorney's threat. Then the President said to Petersen, "You remember my call from Camp David. I said 'Don't go into the national security stuff.' I didn't mean -- " Petersen replied, "Oh, I understand." The President continued, " 'cause I remember I think we discussed that silly damned thing. I had heard about it, just heard about. You told me that. That's it, you told me." The President said, "What (expletive removed) did they break into a psychiatrist's office for? I couldn't believe it." (pp. 6-7)

The President's and Ziegler's telephone conversations with Dean were discussed, and the President said, "I don't want to hurt John Dean. Believe me -- I'd like to help him." The President asked Ziegler about upcoming stories in the Washington Post and New York Times. The President told Ziegler to "take a hard line . . . Because boy, if there's one thing in this case as Henry will tell you, since March 21st when I had that conversation with Dean, I have broken my ass to try to get the facts of this case." The President said that he intended to appoint William Ruckelshaus acting FBI Director, that he had told him to leave no stone unturned and he didn't give a damn who it hurt, and that Ruckelshaus was "Mr. Clean." The President said, "If there's one thing you have got to do, you have got to maintain the Presidency out of this." (pp. 5-10)

Petersen said that the prosecutors had told Dean's lawyers to stop when they said they would tie the President into other areas, that they didn't want to get into it or discuss it. Petersen said he thought it was "bombast, . . . negotiation." Ziegler said it was just rumor, not about to break in the papers. The President told Ziegler to "Kill it. Kill it hard." (p.12)

Ziegler left the room, and the President raised the problem of immunity for Dean. The President told Petersen that he did not want the impression left that by saying don't grant immunity to a major person he was trying to block Dean giving evidence against Haldeman or Ehrlichman. Petersen said that he regarded the question of immunity to be his sole responsibility, and could take opinions but would have to treat them as advisory only. The President said he had only expressed an opinion, that Petersen had to determine "who is the major culprit," and the immunity decision was Petersen's. The President told Petersen, "[I]f your prosecutors believe they have got to give Dean immunity, in whole or in part, in order to get the damned case, do it." Petersen said the prosecutors vacillated, they were concerned about credibility and thought Dean would have most credibility if he pleaded and was a co-defendant against Ehrlichman and Haldeman, rather than someone who had been given immunity. After some discussion of Wilson and Strickler, the President said, "All right. We have got the immunity problem resolved. Do it. Dean if you need to, but boy I am telling you -- there ain't going to be any blackmail." They discussed Dean's being in charge of the White House investigation of Watergate, and his past conversations with both Petersen and the President in that capacity, especially his March 21

conference with the President. (pp. 12-18)

The President said that they would get Dean in there, and suppose he started trying to impeach the word of the President of the United States and said, "Well, I have information to the effect that I once discussed with the President the question of how the possibility, of the problem," of "this damn Bittman staff." The President told Petersen, "[I]t won't stand up for five minutes because nothing was done, and fortunately I had Haldeman at that conversation and he was there." The President explained to Petersen, "I said, 'Look, I tried to give you this, this, this, this, this, and this.' And I said, 'First you can't get clemency to Hunt.'" The President said that he was "trying to get it out. To try to see what Dean had been doing." The President told Petersen, "I said, 'First you can't give him clemency.'" Somebody, the President said, had thrown out something to the effect that Hunt had an idea he was going to get clemency around Christmas. He said he told Dean, "Are you kidding? You can't get clemency for Hunt. You couldn't even think about it until, you know, '75 or something like that." The President continued, "Which you could, then because of the fact, that you could get to the -- ah -- But nevertheless. I said you couldn't give clemency."

The President told Petersen he had said the second point to remember was "How are you going to get the money for them?" "If you could do it, I mean you are talking about a million dollars." The President said he have Dean several ways and said to Dean, "You couldn't put it through a Cuban Committee could you." The President said he asked Dean "because to me he was sounding so damned ridiculous." The President told Petersen that he said, "Well under the circumstances . . . There isn't a damn thing we can do . . . It looks to me like the problem is sue John Mitchell." The President said that Mitchell came

down the next day and they talked about executive privilege, nothing else. "Now, that's the whole story," the President said to Petersen. "I just want you to be sure that if Dean ever raises the thing, you've got the whole thing. You've got that whole thing. Now kick him straight --."

Petersen replied, "That's -- I mean -- that what we had to do. I just don't see how we can minimize that man. That's all there is to it." (pp. 18-19)

The President asked if Dean was talking to Bittman. Petersen said, not to his knowledge, that it was Bittman to O'Brien. The President said he didn't know, it may have been Bittman to Dean. The President asked about Bittman and Petersen said that Bittman was concerned about the allegation that he was attempting to blackmail the White House, on behalf of Hunt, for substantial sums of money in return for Hunt's silence. Petersen said that they might have to get into Bittman's fees. Petersen said that what they thought happened was that a considerable amount within the law firm was paid out in fees and the balance went to Dorothy Hunt for distribution to the Cubans and what have you. Petersen said that the strange thing was that they could have done it openly, and the President said, "Why, of course.!" Petersen said, "Once you do it in a clandestine fashion, it takes on elements --"; the President said "Elements of a cover-up"; and Petersen continued, "That's right, and obstruction of justice." The President said, "That's what it is, a question of the way it was done." (pp. 19-22)

Petersen said that Bittman maintained that the allegation, made by McCord, that he was trying to blackmail the White House, was a lie. The President said, "Of course, you've got Dean now corroborating --" Petersen replied, "Well, we have Dean alluding to it, but not circumstances that we can use it." The President said that he had forgotten that this was hearsay. (p. 22)

Petersen said the link was O'Brien, the lawyer, who was "very scared." Petersen said that if O'Brien said that as part of the scheme to ensure silence of those that were convicted, they made an arrangement whereby money would flow through Bittman in the form of legal fees for distribution to those people -- "Then you've got it." (pp. 22-23)

The President said LaRue had to know, and Mitchell. The President asked who had used the code name Rivers. Petersen said he had heard the name Baker and they were probably couriers that Caulfield recruited. (p. 24)

The President reviewed what Petersen had told him and said, "[T]here is no way they could get that to the President without going through Haldeman and Ehrlichman." There was no way, the President said, they could get it here "except through the fact that on March 21st Dean, as I reported to you, did report to me that Bittman had told O'Brien that they needed the money. It was discussed and we, I said, 'It can't be done. We can't do it.'" The President said that Dean went on to see Ehrlichman and Ehrlichman said "No dice." Nothing could be done," the President said. "Now that is the fact. As far as we're concerned. That isn't much of a thing for Dean to have." Petersen replied, "Yeah."

The President said that "you could Bittman I suppose Dean. He could have talked to him -- but then you have hearsay." Dean, the President said, "is not credible. He is not credible. He really can't. He can't go out and say, 'Look I've talked to the President and he told me this and that and the other thing.' First, it's not true."

Petersen said that in order to make Dean a credible witness he would have to plead and he would have to be corroborated in an essential degree, not

everything he said. Petersen said he could be corroborated in one respect by LaRue, in another by O'Brien, in a third by someone else, in a fourth by Magruder; that was the way it went and the case was being built. (pp. 24-25)

The President then said there was one charge he would give Petersen: "If any of this -- I mean, I can't allow it. Believe me that even prosecutors shouldn't even have informed you of this one. Or me -- I --" Petersen said they described it as bombast, and rhetoric, and posing. The President said, "You examine them tomorrow. And you tell them, they are my men. I'm for them too. I want them to do the job. I want this to come out solid and right here. And they will start right into get the big fish." (p. 26)

The President returned to Dean, and said he could give Petersen more time if he wanted to negotiate with Dean. Petersen said Dean needed more pressure. Petersen explained, "I think he was pressed up against the wall, he's seen the early-morning crisis pass and now he's had resurgence. You know, he sees Ehrlichman here. He sees Haldeman here. He sees John Dean still here. Nothing happens. His confidence is coming back rather than ebbing." (p. 27)

The President asked for Petersen's advice on leaves of absence or resignations. Petersen suggested that with a leave of absence, the President would have the best of both worlds, have given them the benefit of the doubt and haven't cut the Gordian knot. Petersen said that the problem was one of timing, which was working to the President's detriment with respect to his press and public image and to the detriment of the investigation "because it is giving all of these people an attitude of hope that I think is unwarranted." (pp. 28-29)

The President said that he hated to put Haldeman and Ehrlichman in the same bag with Dean because he had a different relation with them. Petersen said

that he thought a leave of absence was just a preliminary step to ultimate departure, but that it would indicate to the public that the President had not completely abandoned them, but was asking them to prove their worthiness to work in the Office of the President. Petersen said that was what he had to get out to the public, and mentioned his wife's concerns about the President. Petersen again said that the President shouldn't try to distinguish among the three of them, and the President said that he understood, he wouldn't try to distinguish, "but maybe they will be handled differently due to the fact that I am not communicating with Dean." (pp. 29-32)

At the end of the meeting, Petersen described the procedure that would be used to follow up the reports of the burglary of Dr. Fielding's office and the plan to file a report with the court. (p. 33)

88. On or about April 28, 1973 H.R. Haldeman and John Ehrlichman determined that they should resign from their positions on the White House staff. Haldeman and Ehrlichman have testified that the President did not request their resignations.

	Page
88.1 H.R. Haldeman testimony, 8 SSC 3096.....	1648
88.2 John Ehrlichman testimony, 7 SSC 2808-09.....	1649

Mr. HALDEMAN. March 21.

Senator TALMADGE. Yes.

Mr. HALDEMAN. I don't believe that Mr. Dean implicated me on March 21 except to say that there was a potential problem that could develop in connection with the transference of the \$350,000.

Senator TALMADGE. Did he question you about it extensively? The President?

Mr. HALDEMAN. The President? He asked me about the matter of the \$350,000; yes, sir.

Senator TALMADGE. Mr. Ehrlichman testified that Mr. Petersen had pressed the President to fire you on April 15 because of the implications of the matter. Mr. Ehrlichman said that he voluntarily resigned under no pressure from the President. How about you? Did the President ask you to resign?

Mr. HALDEMAN. No, sir. The President and I discussed, as I testified this morning to the—to this committee, that at that time it became apparent to me, and I am sure it was apparent to the President, that I was not in a position to carry out my duties effectively and properly, and the question was discussed in terms—during the period of the last couple of weeks of April—in terms of a leave of absence or a resignation and ultimately decided on my part that a resignation was the proper course. The President agreed with that.

Senator TALMADGE. Now, you have been implicated by both Mr. Dean and the Assistant Attorney General, Mr. Petersen, and you were not asked to resign. That is your testimony, is it?

Mr. HALDEMAN. I don't believe that I had been implicated, Senator.

Senator TALMADGE. I am talking about what others have said.

Mr. HALDEMAN. Yes, sir, but I mean—

Senator TALMADGE. Dean so testified. I understand the Assistant Attorney General had urged the President to fire you on April 15. Do you know anything about that?

Mr. HALDEMAN. Well, you are basing that, as I understand it now, on Mr. Ehrlichman's testimony. My recollection is slightly different but—

Senator TALMADGE. You disagree with Mr. Ehrlichman at this point.

Mr. HALDEMAN. No, sir. I would like to explain my point. My recollection is slightly different and perhaps not substantially different in that it was my understanding that Mr. Petersen's recommendation was that the President place us on leaves of absence because the testimony, the information that he had, concerned or contained matters that would be embarrassing to us in terms of our continuing in our position. He specifically, as I understand it, informed the President that he did not have anything that legally implicated us on that basis and the President, it is my understanding, asked him—said that he would not take action to place us on leaves of absence in the absence of specific charges or information that did implicate us which Mr. Petersen, as I understand it, never produced.

Senator TALMADGE. Thank you, Mr. Haldeман. My time has expired and I must go to the floor to cast a vote also.

Senator Gurney.

Senator Gurney. Thank you.

Mr. Haldeман, your statement was very full and comprehensive and so were the questions by counsel today.

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those letters. I say more or less. He literally did dictate what he wanted in them. I had my secretary type them basically from the notes that I took from that conversation of the President and I understand that later on he did present them to Mr. Dean and Mr. Dean refused to sign either one. So he reported that to me later on in the day.

There were those kind of—those kind of questions that were going on in discussion. At a point in time he asked Mr. Petersen—

Senator GURNEY. Stop right there. Did the President tell you why he wanted to fire Mr. Dean or have him resign?

Mr. EHRLICHMAN. Well, he felt that since Mr. Dean was continuing to come to the—come to the White House and apparently had access to his files and to other files presumably, in the central files of the White House, that it was—they had then basically an adversary relationship and that it was an unhealthy situation, there ought to be a clean termination.

This obviously did not take place. Mr. Petersen, I gather from talking with the President, Mr. Petersen strongly urged the President following that, to make no move where Mr. Dean was concerned and the President acquiesced in that.

We became—that is, Mr. Haldeman and I—became the targets of newspaper and other media attention about the 22d, about Easter, and from then on through the 30th, very vigorous newspaper attack, is the only thing I can say. The Los Angeles Times printed a totally dishonest and false story about my intervention in some Middle East activity. We were continually finding—I was continually finding myself laying aside the work of the day to prepare press statements or to research documents, things of this kind.

What I am leading to, Senator, is—

Senator GURNEY. Just a moment. At that point I think we should strike from the record—Mr. Chairman, I think we should strike from the record mention of this *Vesco* case.

Senator ERVIN. Yes.

Senator GURNEY. We are trying to keep this—

Senator ERVIN. Yes; it can be stricken from the record.

Mr. HUNDLEY. Mr. Chairman, I just want to state for the record, you know, the witness is being responsive and he has mentioned this case twice this morning. It just does not suffice for Mr. Mitchell's purposes every time it happens to strike it from the record.

Senator ERVIN. Well, we are glad to have the interjection about the *Vesco* matter stricken but I believe that is as far as we can go at this time.

Mr. EHRLICHMAN. In any event—

Senator ERVIN. And I will ask the witness to—

Mr. EHRLICHMAN. I am sorry. That—

Senator ERVIN [continuing]. Any refrain from further reference—

Mr. EHRLICHMAN. I had a personal interest in that one. I am afraid, Mr. Chairman, and this was the instance, however, that directly led to my realization that I simply could not do my job there and continue with the denials and harassment and all that that was going on.

We began discussing very seriously with the President the need for—and this was separate—I began discussing and I understand Mr. Halde-

man began discussing with the President the need for a leave of absence about this point in time. And as we progressed into this week of April 23, that was the subject that was under serious consideration, alternatives, who could pick up for me and carry on the domestic side and work the policy questions, move the information to the President, and so on. And by the time the President went to Camp David on, I think the 27th, after we returned from Mississippi—from Senator Stennis' ceremony in Mississippi—I think the President was scheduled in his own mind, and it was my impression from talking with him on the airplane, that he had settled in his own mind that we should take a leave of absence at that point.

Mr. Haldeman and I discussed this on the 28th and it was our mutual feeling at that point that even a leave of absence thing would be misunderstood and that we should simply make a clean break of it. The President invited us to Camp David on Sunday, the 29th, and we separately discussed with the President our point of view on this at that time. We both had extended private meetings with him and the upshot of that was we submitted our resignations.

Senator GURNEY. Then, in summary, between April 12 and April 30, in these meetings where you discussed Watergate, it was mainly a discussion of how more and more you were becoming ineffective because of the media exposure to Watergate, including you and also Mr. Haldeman. And those were principally the discussions that led up to the resignation?

Mr. EHRLICHMAN. There were other points obviously being raised. Mr. Petersen was pressing the contention, for instance, that I had urged Hunt to get out of the country and I had urged Mr. Dean to destroy the contents of the safe and he was playing back to the President in justification of his argument that we should be fired—testimony that was being picked up by the prosecuting attorneys. So I in turn was trying to gather such evidence as I could on those points and as I said before, I talked to the people who were at the meeting of June 19 and I reported to the President what they had said.

Likewise, during this period of time we consulted counsel and laid out the facts for counsel and took his opinion as to whether or not we were guilty of any legal wrongdoing and made that report to the President. So we were very much personally involved in trying to indicate to the President what our point of view was, our recollection of the facts, where the truth of this matter lay.

Senator GURNEY. Let me put it this way: In any of these meetings did the President say to you, "John, it has come to my attention that you were involved in the coverup in such and such a fashion and I cannot keep you on because of that?" Did any of the conversations go in this vein?

Mr. EHRLICHMAN. No. They went in the vein, "this fellow is making accusations against you," being John Dean. "These are serious allegations. I have confidence that what you are telling me is true but let us face it, the prosecuting attorney through Mr. Petersen is strongly urging that I put you on leave of absence and I have to listen to that advice."

Senator GURNEY. Did the President ask you to resign?

Mr. EHRLICHMAN. No, sir.

89. On April 29, 1973 the President met with Attorney General Richard Kleindienst at Camp David. They discussed Kleindienst's resignation as Attorney General. The President asked Kleindienst if he could announce Kleindienst's resignation in his statement the next day and Kleindienst consented. Also on that date the President met with Elliot Richardson at Camp David and informed him of his intention to nominate Richardson to be Attorney General. The President told Richardson that he would commit to Richardson's determination whether a special prosecutor was needed.

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So I didn't know what he was going to be seeing me about and nothing that Ehrlichman said touched on the subject matter.

Senator TUNNEY. When you saw—

Senator BYRD. Would the Senator yield?

Senator TUNNEY. Yes.

Senator BYRD. Mr. Secretary, are we to understand when you saw Mr. Krogh, you had no indication of what he wanted to see you about?

Secretary RICHARDSON. That is correct.

Senator BYRD. Didn't you just say that Ehrlichman in his call to you indicated Krogh would have some "worthwhile information on the overall situation?" What situation was he referring to?

Secretary RICHARDSON. Well, he knew that the President was about to announce that morning that I was to be nominated as his Attorney General. So I knew it was something to do with Watergate or related matters, but I didn't know what aspects of any of those related situations that it concerned.

Senator BYRD. When he indicated to you that Krogh had some worthwhile information on the overall situation, didn't you pursue it with him? Did you not ask him what information Krogh would have, what situation he was talking about?

Secretary RICHARDSON. No, I didn't. He only called, as I understood him, for the purpose of suggesting I see Krogh.

By the way, one other point that didn't emerge yesterday that ought to be made at this point, I think, is that at the time when Ehrlichman called, he had not yet resigned nor had the President announced that he would resign.

Senator TUNNEY. Ehrlichman was interviewed by the FBI on April 27, and on that same day, Judge Matt Byrne released the sobering memorandum respecting the break-in, which tied in Liddy and Hunt to the break-in, as a matter of fact, and there was substantial amount of publicity with respect to that on the 27th and 28th. Did you have any inclination whatsoever at the time that Ehrlichman called you that what he wanted you to talk to Krogh about was on a matter relating to the Ellsberg psychiatric office break-in?

Secretary RICHARDSON. No.

Senator TUNNEY. And you never questioned him at all, you just assumed the fact the appointment that was being asked for by Ehrlichman was routine?

Secretary RICHARDSON. I thought that he wouldn't have called if he didn't think that whatever Krogh had to say was important. Krogh later called up for the appointment, and he evidently was proceeding on the basis in his own mind that what he had to say was important.

Senator TUNNEY. Was this the same day that you spoke to the President about your taking the job?

Secretary RICHARDSON. No, I had spoken to him the day before. That was Sunday.

Senator TUNNEY. That was Sunday, the 29th?

Secretary RICHARDSON. Yes.

Senator TUNNEY. In the meeting with the President, which was 2 days subsequent to the publicity that Hunt and Liddy were involved with the Ellsberg break-in, did the President bring up this matter with you, the relationship of your responsibilities to the Ellsberg psychiatric office break-in, or did Ehrlichman or anyone else?

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were references to matters of potential genuine harm to the
national security if released.

Mr. Mollenhoff.

QUESTION: Did you have any conversations with
President Nixon relative to the importance of the independence
of the Special Prosecutor either prior to your hiring or after-
wards?

MR. RICHARDSON: I had only one conversation with Mr.
Nixon directly about the role of a Special Prosecutor, and
that was at the time when he initially asked me if I would be
willing to be nominated as Attorney General. And at that time,
he said in effect what he said the next day in a public state-
ment, that he would commit to my determination the question
whether or not a Special Prosecutor would be needed. He also
affirmed at that time the determination that whoever was respon-
sible for the investigation would pursue it fully, fearlessly
wherever it might lead.

QUESTION: Do you feel that he reneged on that partic-
lar [sic] promise to you?

MR. RICHARDSON: As he said in his own public state-
ment, and as he said in his letter to me, which you now have,
he had concededly intruded upon the degree of independence that
had originally been attached to the role of the Attorney General
and the Special Prosecutor.

QUESTION: Where did he say there was the intrusion?

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I imagine if you received such instruction you would have recalled it now.

Mr. KLEINDIENST. I have no recollection of that.

Senator WEICKER. Now, Mr. Kleindienst, I cannot, unfortunately, leave your resignation at the point where you indicated to this committee that you preferred not to comment. I, too, in addition to, I believe it was Senator Gurney, found it rather strange to have you lumped in here in this same statement, I might add, with Messrs. Haldeman, Ehrlichman, and Dean, and so I am going to ask you the question as to whether or not this matter was not discussed with the President prior to this April 30 statement, whether or not—I will just get them on the table and let you answer them in your own way—you preferred to announce your own resignation, whether or not the President prevailed upon you not to announce your own resignation but to be lumped into this group.

Mr. KLEINDIENST. Well, I think the President and I had by different routes arrived at about the same conclusion. Obviously, we had because Mr. Richardson was up at Camp David that afternoon and I think the decision—I think the President made the decision, that he had to get another Attorney General. I had arrived at it independently.

The President discussed specifically with me the fact that he wanted to announce my resignation the next day and he asked me to permit him to do so. I consented and I would prefer not to comment further about it.

I have had a lot of great things in my life and I have had some unpleasant things and that is just all part of life.

Senator WEICKER. I know, Mr. Kleindienst, but I think it is important to this committee to understand exactly what transpired in that instance. Did you want to resign yourself and make your own announcement?

Mr. KLEINDIENST. Well, I informed the President when I first got up there that I had arrived at the soulful conclusion that I had to leave and I think the President rejoined by saying, I think you are right. A couple of months before, our conversation was that he wanted me to be sure and stay past September when I left. One of the things he said, I have got to have a whole Attorney General. I cannot have half an Attorney General. And then came the conversation with respect to the manner in which it was going to be done.

He asked me personally if I would permit him to do it then and he wanted to be able to announce the change in the Government, Mr. Richardson's appointment, and I consented to that.

Senator WEICKER. In other words, it was his desire that you be put into this group. It was not your desire?

Mr. KLEINDIENST. He asked me to permit him to announce my resignation then and I consented to it, Senator.

Senator WEICKER. I still have to ask the question, why—why you were not permitted to go ahead and announce your own resignation?

Mr. KLEINDIENST. The President asked me to permit him to do it—that Monday night.

Senator WEICKER. When you first arrived at Camp David, did you want to announce your own resignation?

Mr. KLEINDIENST. Yes, sir. I had so informed him before our conversation.

Senator WEICKER. So it was at the importuning of the President you did not announce your own resignation but, rather, went along with his request to be put into this group, is that correct?

Mr. KLEINDIENST. Well, he is the President of the United States. I was serving him. He asked me to do it. I did.

Senator WEICKER. I would like to, if I could, ask a few random questions until my time expires.

The sequence insofar as Mr. Gray is concerned, April 5 he withdraws his name for consideration for the Senate, is that correct?

Mr. KLEINDIENST. Yes, sir. I believe that is the date. April 5.

Senator WEICKER. And I believe also at that time you wrote a very warm personal note of appreciation to Pat.

Mr. KLEINDIENST. I have the highest regard for Pat Gray. I think he is one of the finest men I have ever known in my life and I feel very sorry for him.

Senator WEICKER. Now, on April 27, following the conversations in your office on the 26th, he steps down.

Mr. KLEINDIENST. Yes, sir.

Senator WEICKER. Now, what transpired in the meantime here? Or more specifically, more specifically, at what point did you become aware that apparently both the President and certainly Mr. Ehrlichman and Mr. Dean had come to the conclusion that Pat Gray would not be the man for the Directorship of the FBI?

Mr. KLEINDIENST. Well, you have to distinguish between. I guess the events that occurred after April 5 when it was, I think, indicated sometime around that time, and before April 15, Mr. Gray's nomination had been withdrawn from the Senate. And then after April 15 and before April 30 I had a meeting with Mr. Gray and Mr. Petersen in my office in the middle evening around 8 or 8:30. The next day he then resigned as the Acting Director of the FBI.

I do not know when I learned of the decision that Mr. Gray's name would be withdrawn from the Senate to be the Acting—to be the permanent Director, I am sure I would have known about it around that time.

Senator WEICKER. Around what time?

Mr. KLEINDIENST. Well, the time that it was withdrawn, his nomination was withdrawn. You see—

Senator WEICKER. We had testimony. Mr. Kleindienst, before this committee that he would indicate that both Mr. Ehrlichman and the President had soured on Pat Gray around March 6 or March 7.

Mr. KLEINDIENST. I did not know about that. I knew, I guess, as of the time I was out in San Clemente around April 5 that I must have known the decision was made because we were talking about my recommendations for a person for the President to nominate to be the next permanent Director. So I guess I knew about it prior to April 5. I do not believe I was informed that day of the decision. I think I probably knew that before.

Senator WEICKER. Now, in testimony yesterday Mr. Gray indicated to the committee—I think I am correct in my paraphrase—that when they met in your office on the evening of the 26th, you advised Mr. Gray that you thought it best that he step down.

Mr. KLEINDIENST. Yes, I did, and Pat really did not agree with that. I called the President, gave him a report of the meeting, what Pat

90. On April 30, 1973 the President made a nationwide televised address on the Watergate matter. He announced the resignations of H. R. Haldeman, John Ehrlichman, Richard Kleindienst and John Dean and the appointment of Elliot Richardson as Attorney General of the United States.

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90.1 President Nixon address, April 30,
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and evidence with the appropriate authorities, and I should spend the time necessary in relation thereto.

One of the toughest problems we have in this life is in seeing the difference between the apparent and the real, and in basing our actions only on that which is real. We all must do that more than we do. I have confidence in the ultimate prevalence of truth; I intend to do what I can to speed truth's discovery.

Therefore, Mr. President, I submit to you my resignation. There are on the Domestic Council staff so many

good people of ability that I am confident a transition of my responsibilities can be affected without loss of progress. I will do all I can to assist in accomplishing the transition.

Yours sincerely,

JOHN D. EHRLICHMAN,
Assistant to the President.

[The President, the White House, Washington, D.C.]

NOTE: For a statement by the President announcing the resignations, see the preceding item. For the President's address to the Nation, see the following item.

THE WATERGATE INVESTIGATION

The President's Address to the Nation. April 30, 1973

Good evening:

I want to talk to you tonight from my heart on a subject of deep concern to every American.

In recent months, members of my Administration and officials of the Committee for the Re-election of the President—including some of my closest friends and most trusted aides—have been charged with involvement in what has come to be known as the Watergate affair. These include charges of illegal activity during and preceding the 1972 Presidential election and charges that responsible officials participated in efforts to cover up that illegal activity.

The inevitable result of these charges has been to raise serious questions about the integrity of the White House itself. Tonight I wish to address those questions.

Last June 17, while I was in Florida trying to get a few days rest after my visit to Moscow, I first learned from news reports of the Watergate break-in. I was appalled at this senseless, illegal action, and I was shocked to learn that employees of the Re-election Committee were apparently among those guilty. I immediately ordered an investigation by appropriate Government authorities. On September 15, as you will recall, indictments were brought against seven defendants in the case.

As the investigations went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my Administration were in any way involved. I received repeated assurances that there were not. Because of these continuing reassurances, because I believed the reports I was getting, because I had faith in the persons from whom I was getting them, I discounted the stories in the press that appeared to implicate members of my Administration or other officials of the campaign committee.

Until March of this year, I remained convinced that the denials were true and that the charges of involvement by members of the White House Staff were false. The comments I made during this period, and the comments made by my Press Secretary in my behalf, were based on the information provided to us at the time we made those comments. However,

new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me.

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

I again ordered that all persons in the Government or at the Re-election Committee should cooperate fully with the FBI, the prosecutors, and the grand jury. I also ordered that anyone who refused to cooperate in telling the truth would be asked to resign from government service. And, with ground rules adopted that would preserve the basic constitutional separation of powers between the Congress and the Presidency, I directed that members of the White House Staff should appear and testify voluntarily under oath before the Senate committee which was investigating Watergate.

I was determined that we should get to the bottom of the matter, and that the truth should be fully brought out—no matter who was involved.

At the same time, I was determined not to take precipitate action, and to avoid, if at all possible, any action that would appear to reflect on innocent people. I wanted to be fair. But I knew that in the final analysis, the integrity of this office—public faith in the integrity of this office—would have to take priority over all personal considerations.

Today, in one of the most difficult decisions of my Presidency, I accepted the resignations of two of my closest associates in the White House—Bob Haldeman, John Ehrlichman—two of the finest public servants it has been my privilege to know.

I want to stress that in accepting these resignations, I mean to leave no implication whatever of personal wrongdoing on their part, and I leave no implication tonight of implication on the part of others who have been charged in this matter. But in matters as sensitive as guarding the integrity of our democratic process, it is essential not only that rigorous legal and ethical standards be observed, but also that the public, you, have total confidence that they are both being observed and enforced by those in authority and particularly by the President of the United States. They agreed with me that this move was necessary in order to restore that confidence.

Because Attorney General Kleindienst—though a distinguished public servant, my personal friend for 20 years, with no personal involvement whatever in this matter—has been a close personal and professional associate of some of those who are involved in this case, he and I both felt that it was also necessary to name a new Attorney General.

The Counsel to the President, John Dean, has also resigned.

As the new Attorney General, I have today named Elliot Richardson, a man of unimpeachable integrity and rigorously high principle. I have directed him to do everything necessary to ensure that the Department of Justice has the confidence and the trust of every law abiding person in this country.

I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have

